HOUSE OF REPRESENTATIVES—*Monday, February 7, 1983*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May the glory of a new day, O Lord, fill us with anticipation for the opportunities before us. As we see our tasks may Your providence ever surround us, may Your Spirit fill us with love, and may Your presence grant us abiding peace. Be with us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

REPORT ON RESOLUTION ESTABLISHING A SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 98-4) on the resolution (H. Res. 49) to establish the Select Committee on Narcotics Abuse and Control, which was referred to the House Calendar and ordered to be printed.

JUSTICE DEPARTMENT LOSES CASE AGAINST HOUSE; CONTEMPT OF CONGRESS PROCEEDINGS AGAINST EPA ADMINISTRATOR STILL PENDING

(Mr. LEVITAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, I take this time once again to inform the House of the further proceedings in the contempt of Congress matter involving the Administrator of the Environmental Protection Agency.

Immediately following the action by the House of Representatives last December to cite for contempt the Administrator for failure to produce documents necessary for our Superfund oversight investigation, the Justice Department filed a lawsuit in the name of the United States of America against the House of Representatives and certain Members of Congress and officers of the House challenging the right of Congress to pursue the contempt of Congress against the Administrator of the Environmental Protection Agency. On Tuesday of last week a hearing was held before the Federal district judge here in Washington to dismiss the complaint of the Justice Department, and on Thursday of last week, Mr. Speaker, the court ruled in favor of the House, a total victory was obtained, and the Justice Department's action was dismissed.

In his opinion the judge asked the parties to try to get together and resolve the dispute without further legal proceedings.

As the Members know, the House has made several efforts to resolve the matter, even before the vote on the contempt of Congress, all of which compromises were rejected and rebuffed by the administration.

The administration now has said it would follow the judge's suggestion, but as of this moment we have had no official contact from the administration, and, Mr. Speaker, it would seem to me that if we do not resolve the matter in the next several days, it would be important to see that the contempt of Congress proceedings which are now pending in the hands of the U.S. district attorney for the District of Columbia would have to go forward in some way or another.

Mr. Speaker, I am still optimistic and hopeful that we can resolve the matter and see if we can go the extra mile to do so without further proceedings.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, February 3, 1983:

S. 61. An act to designate a "Nancy Hanks Center" and the "Old Post Office Building" in Washington, District of Columbia, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 4, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the U.S. House of Representatives, the Clerk received, at 12:05 p.m. on Friday, February 4, 1983, the following message from the Secretary of the Senate: That the Senate passed without amendment H.J. Res. 60.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

FURTHER COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 7, 1983.

Hon. THOMAS P. O'NEILL, Jr.
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

(1) At 12:45 p.m. on Thursday, February 3, 1983 and said to contain a message from the President wherein he transmits the 1982 National Housing Production Report;

(2) At 12:45 p.m. on Thursday, February 3, 1983 and said to contain a message from the President wherein he transmits the 1980 and 1981 National Advisory Council on Adult Education Reports;

(3) At 12:45 p.m. on Thursday, February 3, 1983 and said to contain a message from the President wherein he transmits the 1981 Pipeline Safety Report;

(4) At 12:45 p.m. on Thursday, February 3, 1983 and said to contain a message from the President wherein he transmits the 1981 Annual Report under the Occupational Safety and Health Act of 1970 prepared by the Departments of Labor and Health and Human Services.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNUAL REPORT ON PIPELINE SAFETY FOR 1981—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Energy and Commerce and the Committee on Public Works and Transportation:

(For message, see page 1621 of proceedings of the Senate of Thursday, February 3, 1983.)

AUTHORITY FOR MEMBERSHIP OF COMMITTEE ON THE BUDGET FOR 98TH CONGRESS

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that

during the remainder of the 98th Congress the Committee on the Budget shall consist of 31 members.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

NATIONAL HOUSING PRODUCTION REPORT FOR 1982—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking, Finance and Urban Affairs:

(For message, see page 1620 of proceedings of the Senate of Thursday, February 3, 1983.)

ANNUAL REPORTS OF NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION FOR 1980 AND 1981—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

(For message, see page 1621 of proceedings of the Senate of Thursday, February 3, 1983.)

ANNUAL REPORT OF DEPARTMENT OF LABOR AND DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR 1981—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

(For message, see page 1621 of proceedings of the Senate of Thursday, February 3, 1983.)

The SPEAKER. Under a previous order of the House, the gentleman from Kansas (Mr. GLICKMAN) is recognized for 60 minutes.

[Mr. GLICKMAN addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

NATIONAL HERITAGE RESOURCE ACT

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. DOWNEY) is recognized for 5 minutes.

● Mr. DOWNEY of New York. Mr. Speaker, today I am introducing a bill which will do more for America's libraries and museums than a doubling of the budgets of the National Endowments on the Arts and Humanities. This bill, called the National Heritage Resource Act, ameliorates an inequity in the law which allows the owners of artistic, literary, and musical works to take charitable contribution deductions for donating them, while disallowing the same tax treatment for their creators.

Since 1969, when the current restrictions went into place, donations of such materials to museums by their creators have virtually ceased. For example, Daniel Boorstin, the Librarian of Congress, in testimony last Congress before the Senate Finance Committee, stated that before 1969, writers donated 200,000 original manuscripts to the Library each year. Since 1969, the Library has received only one major original manuscript from an author. The Museum of Modern Art in New York City has reported that between 1967 and 1969 it received donations of 52 paintings and sculptures from the artists who created them. However, between 1972 and 1975, only one such work was donated by an artist to the museum. Similar patterns have been reported by museums and libraries throughout the country.

The National Heritage Resource Act of 1983 provides full fair market value charitable contribution deductions for the creators of original works of art, literary materials, musical manuscripts, photographs, and other materials. The papers of public officials remain excluded.

This legislation, being introduced shortly also on the Senate side, is recommended by the Presidential Task Force on the Arts and Humanities. Last Congress, it passed the Senate Finance Committee.

I have included several provisions in the bill which will prevent abuse. These include establishing strict applicability standards, eliminating political papers of public officials, a 1-year existence minimum for artworks to prevent an artistic flurry at tax time, among others.

Perhaps the greatest asset of this legislation is the list of supporters. They include: Council of Creative Artists, Libraries and Museums, Presidential Task Force on the Arts and Humanities, Daniel Boorstin, the Librarian of Congress, American Library Association, American Council on Education, the National Association of Independent Colleges and Universities, American Association of State Colleges and Universities, Association of American Universities, National Association of State Universities and Land Grant Colleges, the American Arts Alliance (400 nonprofit professional arts institutions), the American Association of Museums, the Research Library Association.

Mr. Speaker, for as little as $5 to $15 million, we can end the 10-year drought in acquisitions the Nation's great institutions have suffered and show once and for all that the Nation's cultural heritage is important to us.

I include for printing the text of the bill, as follows:

H.R. 1285

A bill to amend the Internal Revenue Code of 1954 to remove certain limitations on charitable contributions of certain items

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled, That this Act may be cited as the "National Heritage Resource Act of 1983."

SEC. 2 CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER

Subsection (e) of section 170 of the Internal Revenue Code of 1954 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end thereof the following new paragraph:

"(5) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, OR ARTISTIC COMPOSITIONS.—

"(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

"(i) the amount of such contribution shall be the fair market value of the property contributed (determined at the time of such contribution), and

"(ii) no reduction in the amount of such contribution shall be made under subparagraph (A) or (B) of paragraph (1).

"(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, or artistic composition, any letter or memorandum, or similar property, but only if—

"(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 1 year prior to such contribution,

"(ii) the taxpayer—

"(I) has received a written appraisal of the fair market value of such property by a person qualified to make such appraisal (other than the taxpayer, donee, or any related person (within the meaning of section 168(e)(4)(D))) which is made within 1 year of the date of such contribution, and

"(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

"(iii) the donee is an organization described in paragraph 1 of subsection (b),

"(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under subsection (c)), and

"(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv).

"(C) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS BY PUBLIC OFFICIALS.—Subparagraph (A) shall not apply in the case of any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while such individual was an officer or employee of the United States or

of any State (or political subdivision thereof) if the writing, preparation, or production of such property was related to, or arose out of, the performance of such individual's duties as such an officer or employee".

SEC. 3. TREATMENT OF EXCESS DEDUCTION FOR PURPOSES OF MINIMUM TAX.—Subparagraph (B) of section 55(e)(1) of such Code (relating to alternative itemized deductions) is amended by inserting "determined without regard to section 170(e)(5)" after "deductions)".

SEC. 4. EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 1983, in taxable years ending after such date.●

IT IS TIME FOR US TO REMEMBER THE NEGLECTED CONSUMER

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the last couple of years have not been good ones for the consumers of America. Unemployment, high interest rates, and the recession have stripped them of their money. In addition, the Reagan administration's regulatory practices—or lack thereof—have threatened to sap them of both their strength and their spirit. In a recent speech to the Consumer Federation of America's Consumer Assembly, Mr. Michael Pertschuk, a commissioner of the Federal Trade Commission (FTC) discussed what the present administration has done to consumers in the past—and what consumers can do about it in the future.

This administration campaigned on the promise to get the Government "off the backs" of the American people, for the President believed that American businesses were being tangled in a web of costly and unnecessary regulations. He reasoned that if business was freed from this regulatory bondage, it would become more productive and cost-efficient.

At that time, many of us recognized this so-called reform for what it was—a blatant attempt to erase the last 50 years of work in the area of consumer protection and go back to the days of Upton Sinclair's "The Jungle," when profit-motivated companies behaved with total disregard for the health and welfare of both their employees and the American people.

Like many Americans, I believed that those days were long gone. Unfortunately, I may have been wrong. According to Commissioner Pertschuk, in the past 2 years, "throughout the breadth of the Federal Government, the Reagan administration (has) brewed a poisonous admixture of crude free market ideology and corporate sychophancy." Quite clearly, the administration is trying to bring us back to the days when corporate convenience was more important than everything and everybody else. Commissioner Pertschuk sums up the business community's attitude in one simple phrase: "No more, Mr. Nice Guy."

There is ample evidence of the administration's position on this matter. For example, the Commissioner reported that "the monthly total of consumer complaints to the Better Business Bureau in Denver rose, in 1 year of the recession, from 5,000 to 14,000." He also quoted one Washington attorney as saying that "My clients don't worry about obeying the law anymore because they know the FTC won't do anything."

Commissioner Pertschuk also mentioned another example. It seems that the FTC's Seattle office had received numerous complaints about a survival suit worn by oil rig workers and seamen working on rough seas. Apparently they were all ready to order a recall of the suspect merchandise when an FTC economist suggested that perhaps the agency was acting in haste. Commissioner Pertschuk expressed the FTC economist's views in this way: "Maybe there will be a few drownings; then a few lawsuits; who knows, the market in survival suits may well be self-correcting." Obviously, this regulator—if you can call him that—thought that there was no need for official FTC action when a few drownings and lawsuits would do the trick.

These examples show just how bad things can get when Federal regulators, charged with the duty of protecting consumers, are told not to do so by a President who, in Commissioner Pertschuk's words, considers consumers to be "bugs on the * * * windshield of regulatory removal."

I believe that American voters sent a message to Washington last November. And it was very clear: This administration will not have the consumer to kick around any more. The American people do not want to live in a world where businessmen do not worry about obeying the law. They do not want to live in a world where people have to drown before something is done to remove bad merchandise from the shelves. And they do not want to live with an administration that wants to live in that kind of world.

So, where do we go from here? I think it is worthwhile to consider some of Commissioner Pertschuk's remarks on the consumer movement:

> The consumer movement does not stand for excessive regulation or centralized bureaucratic excrescences. Consumer leaders have joined and led regulatory reform efforts. The consumer movement does stand for responsive government intervention in the marketplace: "the public restraint of private greed."

Though the present administration does not seem to understand the meaning of that last phrase, I believe that there are many of us here who do. Let us try to demonstrate our knowledge to the American people, for "the public restraint of private greed," it seems to me, is not only their wish—it is also our duty.●

INSANITY DEFENSE LEGISLATION

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

● Mr. CONYERS. Mr. Speaker, last summer, the verdict in the Hinckley case seriously undermined the public's faith in the American criminal justice system. Despite Mr. Hinckley's eventual hospitalization, the people of this Nation were left with the perception that if one is rich enough to hire a sufficient number of psychiatrists, one can shoot the President and get away with it.

It is in this manner that the insanity defense has an impact far beyond the infrequent acquittals that result from the defense; it has fostered disrespect for the criminal justice system. Yet it is respect—the belief that punishment will be sure and just—upon which the deterrent value of our system depends.

These concerns, however, should not prompt us to overreact and abandon the insanity defense. Fundamental to the Anglo-American criminal justice system is the principle that, except for certain regulatory offenses, we punish only those who are morally blameworthy. We do not believe that those who are psychologically unable to understand the wrongfulness of particular conduct can be held morally responsible. To abandon the insanity defense could easily be the first step toward a radical and dangerous separation of punishment and responsibility in the operation of criminal justice.

It is for these reasons that, last Congress, I introduced legislation that would address the deficiences of the current insanity defense without abandoning the principles that justify its existence. That legislation, and other proposals for reform, were the subject of 5 days of hearings. Those hearings prompted a number of amendments to my bill, subsequently reported by the Subcommittee on Criminal Justice. Unfortunately, the press of business during the remainder of the Congress precluded further action on the legislation.

I am therefore today reintroducing the legislation which was reported by the subcommittee, with one major modification, discussed below. The Subcommittee on Criminal Justice will presently commence hearings on this, and related legislation. I am confident that, with this early start, we will see reform of the insanity defense enacted this year.

The bill would, first, modify the definition and proof of the Federal insanity defense. The American Law

Institute (ALI) test, in use in the vast majority of Federal circuits, is a modernization of the traditional McNaghten and volitional tests. It provides for acquittal if the defendant lacked substantial capacity to appreciate the wrongfulness of his or her conduct, or to conform that conduct to the law. The latter (volitional) portion of this test has been severely criticized, primarily for its ambiguity and the difficulty of its practical application. The bill would also eliminate this portion of the defense. It would eliminate other vague language, and includes provisions to prevent so-called antisocial personalities—sociopaths, psychopaths—from invoking the defense. These changes in the defense have recently been endorsed by the American Psychiatric Association and are, this week, being presented for approval to the House of Delegates of the American Bar Association by its standing committee on criminal justice standards. A similar reform is proposed in legislation introduced by the chairman of the Senate Judiciary Committee and over 30 cosponsors.

The legislation would also require that a defendant prove insanity by a preponderance of the evidence. There is no constitutional or historical necessity for requiring that the prosecution, once it has proved both the mental and physical elements of a crime, disprove a defendant's claim of insanity beyond a reasonable doubt. This problem, more than any, seems to have been the concern following the Hinckley acquittal.

Second, the legislation would prohibit an expert witness, such as a psychiatrist, from offering an opinion at trial about whether a defendant was insane. From the law's standpoint, insanity is a question of fact, to be resolved by applying legal principles. The law's definition of insanity is derived from moral principles. Although the law requires the existence of a mental disorder, that disorder alone is not sufficient to establish the defense. Psychiatric testimony may provide valuable data to the factfinder, but that factfinder must make the ultimate decision. As far as the law is concerned, insanity is not a psychiatric diagnosis. This particular change in the law was also recently endorsed by the American Psychiatric Association.

Expert witnesses are limited in other manners. Testimony during the hearings demonstrated that it is impossible for anyone—expert or layman—to predict that a particular person will commit future dangerous acts. Thus, the decision to commit a person depends upon whether the risk of danger is sufficient to justify the removal of the person from society. This is a social and political decision, more properly made by the court than by a doctor. Thus, while experts can provide courts with testimony regarding the risks of future dangerousness, they are prohibited from offering an opinion about whether that risk justifies commitment.

Expert testimony is subject, under the provisions of the bill, to one additional limitation. Although psychiatric diagnoses are clearly within the expertise of doctors, such diagnoses are of little help to a jury. The same facts and opinions can be presented to a jury in lay language, by describing the objective observations and symptoms upon which the diagnosis is based. The actual use of the diagnostic term will serve little purpose other than to confuse jurors, many of whom may have preconceived ideas about the meaning of the term. Thus, testimony regarding a specific medical or psychiatric diagnosis is prohibited.

Third, the legislation would, for the first time, establish a Federal commitment procedure. The Federal Government and the American public have a clear interest in providing treatment for persons acquitted by reason of insantity in Federal court. The current situation, whereby the only possible treatment is through State civil commitment procedures, constitutes an abdication of Federal Government responsibility. Under the proposed procedure, a defendant acquitted of a violent felony by reason of insanity would be presumed fit for commitment. Commitment and treatment would be under the control of the court. In addition, a new provision has been added to this bill, which would require that a person released from commitment undergo a long period of supervision, and remain subject to recommitment.

Finally, the bill would reform Federal procedures for dealing with those incompetent to stand trial, modernizing those procedures and bringing them in accord with constitutional law.

A summary of the bill follows:

SUMMARY OF INSANITY LEGISLATION

Section 1 of the bill modifies the insanity defense used in Federal courts by adding new section 16 to title 18 of the United States Code.

Subsection (a) of new section 16 would establish a uniform definition of the insanity defense for Federal courts. The majority of Federal courts currently use the American Law Institute test, providing a defense of insanity when the defendant "lacked substantial capacity to appreciate" the wrongfulness of conduct or to conform the conduct to the requirements of the law. The legislation would remove the ambiguity of this language and narrow it by requiring for the defense that a defendant "did not understand" the wrongfulness of the conduct, essentially returning to the M'Naghten test.

Subsection (b) of new section 16 would require the defendant to prove insanity by a preponderance of the evidence. Current law requires the government to prove sanity beyond a reasonable doubt.

Subsection (c) of new section 16 would preclude the so-called "anti-social personality" (psychopath, sociopath) from claiming the insanity defense.

Subsection (e) of new section 16 would establish three possible verdicts for a case in which insanity has been raised as a defense: "guilty", "not guilty", and "not guilty only by reason of insanity".

Section 2 of the bill amends the Federal Rules of Evidence to preclude expert witnesses (e.g., psychiatrists) from offering opinions as to the ultimate question of whether the defendant understood the wrongfulness of the conduct, and the ultimate question of whether the defendant should be committed. Testimony on diagnosis is prohibited.

Section 3 of the bill revises Federal procedures for dealing with persons who are mentally incompetent to stand trial. Some of the provisions are necessary to comport with recent court decisions. Chapter 313 of title 18, United States Code, is amended as follows:

Section 4241 would provide for a screening examination whenever any party alleges incompetence to stand trial. The court could also order a screening examination on its own motion.

Section 4242 would provide for a more complete mental examination regarding competence if the screening examination suggests that the defendant is incompetent. A defendant may demand a hearing on the need for a more complete examination if the court initially decides against such further examination. The examination would be conducted on an in-patient basis only if the defendant is dangerous, already in custody, or likely to flee, or if in-patient testing is necessary. A report on the test must be filed, and the contents of the report are specified. Statements made by the defendant during the examination are not usable against the defendant in criminal proceedings.

Section 4243 would provide for a hearing on the issue of competence. Provision is made for additional examination by a mental health examiner of the defendant's choice if so requested. If, after the hearing, the court determines that the defendant is incompetent, then there is a hearing on the likelihood of the defendant's recovery and appropriate treatment. The defendant must be ordered to be treated unless treatment has already exceeded 240 days, or there is no substantial probability of recovery. In such a case, non-serious charges are dismissed. The court is also given the discretion to dismiss charges rather than order treatment when the seriousness of the charges or the likelihood of conviction would not justify the oppressiveness of the particular treatment required.

Section 4244 would provide the treatment following an order under section 4243. The court must specify the facility for treatment, which may be inpatient only when the defendant is dangerous, likely to flee, or otherwise in custody, or when in-patient treatment is necessary. The Secretary of Health and Human Services is required to issue regulations ensuring that controversial treatment techniques such as psychosurgery, electric shock, and psychotropic drugs be used after the informed consent of the patient, or of the patient's guardian and the court. The section also provides for the resolution of certain issues while the defendant remains incompetent, and for trial while the defendant is receiving medication.

Section 4245 would provide for the transfer to State authority (1) of persons who have received the maximum treatment for

incompetence to stand trial, have not recovered, and are appropriate for civil commitment, and (2) of convicted persons whose prison terms are about to expire and who appear dangerous due to a mental disease or defect.

Section 4246 would restate current law regarding the Board of Examiners.

Section 4247 would restate current law regarding incompetence undisclosed at trial.

Section 4248 would provide for transfer of a prisoner to a mental institution upon a showing by clear and convincing evidence that the prisoner is in need of treatment.

Section 4249 provides definitions of terms used in chapter 313.

Section 4 of the bill establishes Federal commitment procedures for persons found not guilty only by reason of insanity. Current Federal law has no procedures for dealing with such persons. A new chapter 310 would be added to title 18 of the United States Code as follows:

Section 4171 would provide the mandatory examination of persons found not guilty by reason of insanity of violent felonies, and discretionary examination of all persons found not guilty only by reason of insanity.

Section 4173 would provide for a hearing on the defendant's dangerousness following a report under section 4172, or following a report on the defendant's treatment under section 4174. (A defendant may request an additional examination by an examiner of his or her choice.) Following the hearing, the court must order the defendant committed or recommitted for treatment if it finds by a preponderance of the evidence that the defendant presents a substantial probability of danger to any person (including the defendant) or to property. A defendant found not guilty only by reason of insanity of a violent felony is presumed dangerous, and the defendant must prove nondangerousness by a preponderance in order to avoid commitment. In the event, however, that the treating facility (following treatment) finds that the defendant is no longer a danger, then continued treatment is ordered only if the court finds dangerousness by clear and convincing evidence. A person released following treatment may only be released conditionally.

Section 4174 would provide for treatment of a person found not guilty only by reason of insanity. The court must specify the facility at which treatment is to occur. A report on the person's condition must be made to the court each year, or whenever it appears that the person no longer presents a danger. The section also requires the Secretary of Health and Human Services to provide regulations to ensure that controversial treatment techniques (such as psychosurgery) be used only after informed consent.

Section 4175 would provide that a person conditionally released under section 4173 will be supervised by a probation officer. At a minimum, a person conditionally released must report to the probation officer, permit resonable home and work visits and obtain approval before leaving the jurisdiction. In addition, a court may require such persons to receive treatment (including psychotherapy) and or medication as a further condition of release. Once a person has been arrested, the court must order an examination and hearing in accordance with sections 4172 and 4173(a). If the court finds by a preponderance of the evidence that the person is likely to pose a danger to any person or would substantially damage the property of another, the court must recommit the person for treatment under section 4174. In any other case, the court must reinstate conditional release. It may modify the conditions, if the court finds by a preponderance of the evidence that the person violated a condition or that in the absence of such a condition commitment would be justified.

Section 4176 would provide general provisions for chapter 310.●

VETERANS' AFFAIRS

The SPEAKER. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, I am most pleased to inform my colleagues today that the ranking minority member of the Committee on Veterans' Affairs, the Honorable JOHN PAUL HAMMERSCHMIDT, and I are introducing a resolution that would express the sense of the Congress that the Administrator of Veterans' Affairs should be a member of the President's Cabinet. I am also pleased to inform my colleagues that the measure has been introduced in the Senate by the Honorable ALAN CRANSTON, the ranking minority member of the Committee on Veterans' Affairs, and cosponsored by the chairman of the Senate Veterans' Affairs Committee, the Honorable ALAN SIMPSON. I would hope this bipartisan effort reflects the sentiments of every Member of the House and Senate.

I think it is time, Mr. Speaker, that we recognize the importance of programs we have in place for veterans. I hope this proposal will lead to the establishment of VA as a department rather than an independent agency.

Establishing the Veterans' Administration as a department rather than an independent agency will show that we are giving the highest priority to veterans and their dependents. This Nation has approximately 30 million veterans. Programs for their health and welfare include: Income maintenance, health care, insurance benefits, burial benefits, housing, education, and a variety of other benefits and services. Veterans represent a good cross section of all our citizens and I do not think there is a more important position in Government than the Administrator of Veterans' Affairs. He cannot, in my view, represent our Nation's veterans as he should unless he sits as a member of the President's Cabinet.

Mr. Speaker, I do not think too many people fully understand the magnitude of VA programs and the impact of these programs on the lives of so many American citizens. For example, in the most recent fiscal year for which data is available—fiscal year 1981—the programs included:

The sum of $12.3 billion for compensation and pension payments to 4.6 million veterans and survivors; another $0.2 billion went for burial and other benefits;

The sum of $2.3 billion for educational assistance payments to 1.1 million trainees, and special assistance to disabled veterans.

Treatment of over 1.3 million patients in 172 hospitals in the United States and Puerto Rico.

Operation of the fourth largest individual life insurance program in the United States.

Over 187,000 home loans to veterans. Since the beginning of the program in the 1940's VA has guaranteed or insured over 10.3 million loans.

Maintenance and operation of 108 national cemetaries.

The third largest employment level among Federal agencies.

Provision of almost 248,000 headstones and markers for the graves of eligible decedents.

Interment of nearly 42,000 eligible veterans and dependents in national cemeteries.

These figures are substantially higher in projected programs for fiscal year 1984.

Mr. Speaker, the Veterans' Administration is larger than five executive departments. These include the Departments of State, Labor, Commerce, Transportation, and Justice. It employs more than 220,000 people; more than any other Federal department except for the Department of Defense. Veterans' benefits and services constitute the fifth largest budget function; those larger include social security, national defense, interest on the national debt and Federal health programs, excluding VA.

Mr. Speaker, I am not advocating that we expand Government. I am not suggesting that we create an additional Federal entity. What I am suggesting is that the Veterans' Administration be converted from an independent agency to a department because of the magnitude of the programs it administers and the importance of such programs to so many American citizens. It could be accomplished by simply changing titles of positions and making a few other paper changes.

There is no greater obligation the Nation owes to any other group of Americans than those who were drafted or who volunteered for service to fight in far away lands for our country's freedom. If I were the President I would want the head of the Veterans' Administration to attend every Cabinet meeting. I would want him to be a part of the decisionmaking process. I would want his counsel when establishing public policy.

It is a credit to President Carter that he recognized the importance of this position and invited Max Cleland, then Administrator of Veterans' Affairs, to attend all Cabinet meetings. President Reagan has been a strong

supporter of veterans and has placed a high priority on their programs, and I know he cares about their welfare.

This resolution, Mr. Speaker, simply suggests that the President should officially recognize the Administrator and the programs he administers by giving him Cabinet status. The time has arrived for the President to take positive action to recommend to the Congress that the Veterans' Administration be converted from an independent agency to a Cabinet department. All of the veterans organizations have placed this issue as one of their top priorities for the 98th Congress. I am certain, Mr. Speaker, that both the House and Senate will support our effort and hopefully we will see something coming from the White House that will carry out the wishes of Congress and the veterans organizations when this resolution is adopted.

I invite all Members of the House to join us in cosponsoring this resolution.●

HOUSING AND COMMUNITY DEVELOPMENT AUTHORIZATION

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, this year, thanks to the leadership's recognizing the priority that some of us had been trying to produce for 2 years in the matter of housing and community development, the saving of our cities is recognized this year because the housing authorization and the community development authorization is H.R. 1.

Symbolically, I cannot tell my colleagues what this has meant throughout the land, not only among the people who are directly affected in this enterprise known as housing and related activity, but also those attempting to govern our municipalities under current fiscal conditions. We tried to alert the membership of the Congress 2 years ago, and then again last year, from the subcommittee that I have had the honor of chairing for the last 2 years, the Subcommittee on Housing and Urban Development. This is the largest subcommittee in the whole Congress; as a matter of fact, there are only eight members of the full committee that do not belong to the subcommittee.

This is what the members feel is the priority or the urgency of the subject matter over which this subcommittee has jurisdiction. I tried unsuccessfully to point out to my colleagues and the leadership 2 years ago that the main thrust of President Reagan's so-called economic recovery plan would have an adverse impact of over 80 percent on these activities over which this committee has jurisdiction, one that in my opinion is of the most vital and intimate kind in our society, in our structured societal and governmental framework of reference. We pointed out that we had the most extensive and comprehensive number of hearings, not only in Washington but out in the field, for the first time in the history of the committee and in fact for the first time in the history of the Congress as this committee went out into the field.

□ 1215

In fact, we went no more than a 1½-hour drive from this Capitol to the Eastern Shore and discovered conditions among not only housing but related conditions among the migrant workers.

Incidentally, that title "migrant worker" is more complicated that you would think. The average citizen has a very simplistic definition, but it is a little bit more complex than just the idea of a traveling worker.

But right here, within a 1½-hour drive of this Capitol, and, incidentally, it is happening again, you have conditions that simply are intolerable to America. We have no better situation with those workers than the most dismal working conditions in the Third World, in the poorest of the poor.

The situation has been very little remedied at all even though we did temporarily succeed year before last in having the Governor of Maryland intervene, at the end of the season, however, with the promise that the situation would be corrected in time for this last year's crop raising and production.

I am sorry to report that has not been the case.

You have situations in which we did uncover and other incidents were reported of so-called slave working and slave working conditions, servitude under situations that would be described by any objective standard as slavery. Let us not even talk about housing.

We also went into the urban areas, the most dense. As a matter of fact, as I said, and I repeat, this subcommittee had more hearings, we had more field visits than ever in the history of any.

I went, because I could not get even one other subcommittee member in order to conform to the rules, into seven States in addition to the five that the subcommittee did officially go to. We went, as I said, from the Eastern Shore, Delaware, the tip there where these three States come together and join, Virginia and Maryland, to New York, to Texas, Oklahoma, California, Arizona, and others in between.

It is our intention to continue this this year, though unless we are budgeted we will be limited as we have been in the last 2 years.

This subcommittee, the largest in the whole Congress, has the least number of staff of even committees that have one-third the number in membership. I am not complaining about that. What I am saying is that what we found out from the American people in every sector is that we have had a crisis condition for some time while an administration is in power that has captivated not only the means of communication but the forging of policy on the congressional level with a total obliviousness of this condition of crisis.

It has now reached the point, after the hearings we had in December on an emergency basis right here in the Capital where you do not have to go to Bombay or to Calcutta to see people dying because of exposure to the vicissitudes, to the climate, or lack of food. We have that right now right here in our own country, not counting the abysmal conditions that still exist as if this were 60 or 50 years ago, and I personally can remember in my own home State the conditions among the so-called migrant workers or the farmworkers.

I believe that where the leaders will not lead the people will push. But what concerns me very much is the manner and shape and form in which the people eventually will push because people are people whether they are in America, whether they are south of the border, or whether they are north of the border, or whether they are in India, or whether they are in Africa. There is a limit to the tolerance of people.

Americans seem now to express quite a bit of surprise, as I can recall during the Depression. I am a product of the depression era. I am old enough to remember.

I am also in a way blessed with a very good memory, almost total recall. It has been very, very frustrating, almost demoralizing, to see what is happening to our country now without any need for it having to happen.

We have been having an induced depression, unfortunately with the collaboration of the majority of the Congress in the last 2 years.

The fundamental critical issues long overdue for addressing by the Congress are not even now being done so. So year before last, after we had the first hearing in the metropolitan dense areas, and then began last year in the summer when we had further hearings in the field and also hear in Washington, I pointed out in the RECORD that the patience would soon be out and that we would begin to see in our country such things as have already been registered, and for some time in Berlin, in Brussels, in Paris, in London, of rent squatters, violence resulting from that because of the similarity of conditions that had crept into those societies as now confront America, particularly but not exclusively in the dense urban areas.

The truth is that there is as much if not more dire need and poverty in the rural areas and very particularly in these very special sectors of a minority within a minority known as migrant workers. It seems to me folly, as it always has since I have been in politics, to sit and wait until something happens, that you do not have to be a prophet, a seer, a genius to know it is inevitable, reading human history and not do anything by way of anticipatory action.

So I, after much insistence, was able to get the staff to research the statutes for those bits of legislative action that had worked, the Homeowners Loan Corporation, for example.

On the basis of the research, even though frankly I had more information than even was forthcoming here at this time in the 1980's because of my having accumulated and retained much of the publication that was acted upon in the 1930's, so we finally drafted in last year's authorization act on housing, which the administration sternly and vigorously opposed every inch of the way. In fact, I was notified that if we had any provision such as this section 6 I am referring to, which is an emergency home mortgage assistance section, that the President would veto.

Not only were we frustrated in that regard, but in the entire question of whether we would have an authorization bill on housing or not. So for the first time in 40 years the Congress did not have a housing authorization bill last year.

This year, as I say, and repeat, I am fortunate. I think finally the recognition of the priority and the sense of urgency has penetrated an it is now known as H.R. 1. However, it is later than we think and it seems to me that with the advent of the violence and now attendant with respect to the so-called independent truckers strike which, incidentally, call it what we will, is an act of desperation, of protest against an unjust law and an unjust tax. Some of us try to do everything we knew how to fight it month before last. But we were dismayed to see the copartnership of the leadership of the Congress with the President who has abdicated every pledge he ever made during the campaign and since with respect to the nature of taxation, the need for additional taxation, and particularly the unjust form of taxation in which those least able to pay our tax and those most able to pay are forgiven their taxes to the tune of over $750 billion over 5 years.

How in the world would this hemorrhage of the Treasury, how in the world can the Government have anything but colossal deficits such as it is now confronted with total disregard by the President in his chats over the radio as late as last Saturday, and by any of his supporters in either House.

All of this impacts on what plainly the handwriting on the wall tells us. What, if anything, will and can be done as in the case of the truckers when we have squatters sitting down or taking over property, public or private?

What is being done now in anticipation of the emergency needs just in that one aspect now of homelessness or helplessness?

Many people were shocked with incredulity just like I remembered during the depression. I remember fine Americans saying, "How come? Why should we be walking the streets eager, willing, wanting to work, prepared to work, and not be able to work? We cannot feed our kids. We cannot pay rent. Why?"

□ 1230

Why is that happening to us? The same questions are being asked now. Why is this happening to us? Not among what we have popularly pictured as the homeless, the folks sleeping on the streets, in the parks, under the bridges, the alcoholics, the poor, poor derelicts, so-called. I do not call them that. They are human beings. And there is no more reason for them to be derelict than there is for us to be comfortable and well fed and well clothed and warm. I think that no society can long tolerate without social disruption. This is my concern. It is my hope that at least those sections will be addressed, God willing, in legislation to be introduced tomorrow as separate bills on an emergency basis, that is, the emergency homeowners market assistance legislation, both for rural, as well as urban.

As I was starting to say, the hearings brought out not alcoholics, not the neer-do-well, not what the President pictures to us with great revulsion as that food stamp recipient who goes and gets a bottle of gin with the food stamps, which was never true, was a base lie. I cannot think of anything more reprehensible of any American in any capacity of leadership, whether he or she is President or whether he or she is just any politician or citizen, because what that is doing reintroducing, like never before, with a vengeance, what we have escaped from in Europe thus far—the stratification of classes, this mean spirit of hatred to the poor. This is now the spirit of the land, believe it or not. And for the first time, as I said here 2 years ago on this floor, we have the making of what people in Europe and thinkers have called a lumpen proletariat.

The American dream is dead if we allow that to succeed. I do not think America will. In visiting these various areas and talking to Americans in every geographic section of the country, the great inspirational thing has been to see how they think. I think it is always imperative to get away from Washington, to go to the same areas and atmospheres, and this is why it has always been a wonderful privilege to go out in the field and have these hearings and hear just from the plain, common folk, those wonderful folk that make up American reality. But they are looking to us. They do not see anybody responding on this level that they can really differentiate between Tweedledee and Tweedledum.

You ask why the majority of the citizens in America qualified to vote do not bother to go to the polls. Why should they if they have no perception of having any real choice, and when the choice comes in violent protest against laws that plainly, on their face, are unjust and very, very limitedly debated, even in the Congress while being passed and considered.

I daresay the average citizen, in the case of this last tax on certain categories of truckers and gas users, would say that all it was was a 5-cent increase in the users' fee on the gas tax. But it was never just that. That was the least impact. The biggest impact was elsewhere, and everything that went into that package that I can tell you I never saw reported in the newspapers.

This is what the protest is all about by whom? The big fleet of truck owners? No. The small guy, the independent guy that will have to pay $2,000 instead of $200 for his license, that will have to pay more for his tires in this category. And in the meanwhile, the dishonesty—I cannot think of any other word—on the part of those promulgating it, such as Secretary of Transportation Drew Lewis and the President himself, who said, "Oh, this tax is going to make those who use and help deteriorate and destroy the roads pay their share."

Nothing could be farther from the truth. As a matter of fact, they have turned loose on the highways, as soon as the law is effective, the real killer trucks. They are doubling the size of the truck. They are widening the size of that truck. And any of the citizens and my colleagues who have been on the roads lately, as I have, I think will have experienced even under present dimensions what hazards that entails. Wait until these killer trucks, made possible by this so-called 5-cent tax on gas, hit the roads. In the meanwhile, the little guy that must have that as his livelihood, one truck, has it socked to him. He is going to bear the overwhelming preponderant burden of this tax in more ways than one, not just the tax, which in itself will be onerous for him.

So that we translate that into these other fundamental areas. After all, there are three fundamentals in human existence: Food, clothing, and shelter. And what I am saying is, we are in a state of crisis with respect to

shelter, with very little awareness, very little awareness, and with a sense of priority. And it is with this genuine intent that we were most fortunate in having our good leadership recognize the sense of urgency by designating this Housing and Urban Development Act. We call it the Housing and Urban and Rural Recovery Act for 1983.

So it is my hope that we will have action on H.R. 1 itself by next month. But in the meanwhile, the emergency provisions with respect to foreclosures, the rate of foreclosures, has reached a number in excess of the highest rate at the height of the Depression. This hardly seems like recovery, or even the beginning. It seems to me like a disaster that unforgivably should never have happened. There was no reason for it, any more than there is any reason for its continuance now.

All I can say is, in termination, that all these attempts on the part of the last few Presidents we have had, I call them the advocates of blight and despair that have no faith in this country and its destiny, will not be able to straitjacket this country. This country is dynamic; it is active; it is vibrant; it is virile. And I do not care whether it is the Congress or the President, it will not be straitjacketed, at least not for long. It is just the manner and shape and form in which those binding constrictures will be torn off that really worries me, because our society, as strong as it is inherently, is also brittle. We continue to take it for granted, but we have got to work at it. It is not self-perpetuating. And we have got to work at it.

H.R. 1 is the attempt by some of us on the congressional level to respond to the obvious needs of the American people, and I think eventually we will succeed. Hopefully, in time.

At this time, Mr. Speaker, I present for the record the remarks in my address yesterday to the opening and convening session of the annual meeting of the National Association of Housing and Redevelopment officials here in Washington:

REMARKS OF REPRESENTATIVE HENRY B. GONZALEZ

I welcome the opportunity to join you this afternoon. Now that the Super Bowl game is over, it's time to turn to the other Super Bowl, Round III of Reaganomics.

The contest is really very simple. It is a match between those of us who believe that the Federal government has a positive role to play in alleviating economic and human distress, and those who don't believe that.

This contest is shrouded in the fog of economic forecasting, beclouded by the thunderheads of monster deficits, and buffeted by the winds of presidential politics. But beneath all the posturing, below all the high theory, the real issue is whether or not the Federal government is going to continue or abandon its commitment to decent housing, decent cities, and decent hopes for human beings. Every policy, every theory, and *every action of government* has one aim and one aim only—to affect the course of individual human lives. If the Federal government abandons housing programs for the poor, for the elderly, for the handicapped—that affects individual human beings, just as surely as carrying those programs forward affects individual human beings. Doing nothing, or doing less, is just as much an action as anything else.

The challenge is very simple. We either believe that we can help each other, or we don't. As a nation, as a wealthy nation, we either use our power in behalf of the powerless, or we use it in behalf of the powerful. We either share a portion, or take it all.

You do not have to walk more than two blocks from this building to find immense human need—people who have no shelter, people who have no income, people who have no food. This is in the center of the most powerful city in the most powerful nation on Earth.

You do not have to look beyond the day's newspapers to know that one out of every eight Americans is out of work. And we are being told that seven per cent unemployment is as good as we are going to get. I can remember when seven per cent unemployment was a crisis—but today we are being told that this is pretty close to full employment, and we are being told that certainly this is the best we can expect for the next five years or so.

You do not have to move a half mile from here to find housing that is below any acceptable standard, beyond any real hope of redemption, and yet priced beyond the reach of anyone who is even close to poor. I would challenge any one of you to search this city for a rental house, a decent rental house in a decent neighborhood, one that is of decent size—for less than six hundred dollars or so a month. It can't be done. And yet we are being told that there is plenty of housing—just a shortage of people who can afford it. That's what we have heard from the Administration for these past two years—that there is no shortage of housing, just an affordability problem. That's like saying there is no shortage of Cadillacs—just an affordability problem.

We are being told that there is no need to worry about any of this. We are being told that in the future, everthing will be better. Meanwhile, they say, the best way to help those who are economic cripples is to kick their crutches away. That's the tin cup theory of aid to the handicapped.

Who is it that is telling us there is no need to do anything about housing? It is the resident of Public Housing Unit Number One, across the park there. It is the comfortable who don't see any problem. But I say, and the majority of my colleagues say, there *is* a problem. We say that there *are* solutions. And we say that the time to move is *now.*

For two years, we have been frustrated in our efforts to devise a responsive, meaningful program to carry forward the work of housing and community development. We have been able to stop the wrecking crew's worst assaults, but we have been unable to do what we hoped to do. But the climate is changing. This year, we have a reasonable chance for reasonable housing and community development legislation.

We not only have a chance, we have gained a high priority. The housing bill this year is H.S. 1, and that is the priority that The Speaker has assigned to housing programs this year. The first action of the Banking Committee will be a housing program. The first major legislation of this Congress will have in it an emergency housing program. Not far behind that, we will report out and act on, H.R. 1, itself.

During these last few days the House leadership has been putting together an emergency economic program. I understand that the Senate leadership itself is working on its own program—which means that everybody whose mind isn't a clone of Calvin Coolidge, has had enough of Reaganomics and is ready to get the country moving again.

The House program will first of all seek to alleviate the distress that has come about because of long-term joblessness. There are five million Americans who have been out of work for better than three months—two and a half million who have been unemployed for more than six months. Of the ten and a half million registered unemployed Americans (and remember there are a million and a half more, who don't show up on the rolls) less than half are getting any kind of unemployment compensation. These are ordinary hard-working Americans of every skill and description, from lawyers to laborers, architects to zoologists—who have become impoverished. These are people who face foreclosure, which means the loss of their life savings. These are people who face hunger. These are people who have lost their health insurance. These are people who face eviction. These are citizens who would work if they could, who've paid their taxes, who have fought our wars, and who have supported their communities. The first priority of the Democratic emergency program will be to try and put a bandage on their financial hemorrhage. Our program will provide for emergency mortgage assistance, to enable people to keep their homes, keep their hopes, and keep their dignity.

This emergency mortgage assistance program will be very similar to that we offered last year, and which the Administration opposed at every step of the way—so much so that they assured me of a veto for any housing bill that carried emergency mortgage assistance. Even though this aid would be in the form of loans, loans that bear interest, and even though these loans would be secured, the Administration said, "Nyet." They said, "Nein." They said, "Never." Well, so much for the social safety net.

The Democratic emergency program will also provide for emergency shelter. In December, I held the first Congressional hearing since the Great Depression on the problems of the homeless. What I found was that there are vast numbers of homeless people who are not addicts, who are not alcoholics, who are not derelicts—who, in fact, are ordinary people. These are people who six months ago had their own homes, who had jobs, who had futures. These are the casualties of Reaganomics. They need help, and I intend to see that they get it. I propose to provide funds through the Community Development Block Grant mechanism to cities that will develop and operate emergency shelters. Most cities already have in place an emergency shelter program—but many are overwhelmed, and no city has enough shelter to meet anything approaching its needs. I believe that we can operate this program very effectively, since the administrative mechanism of CDBG is already in place and since most cities already have at least the beginning elements of a program in operation. I propose a $100 million program to provide emergency shelter.

But my objective is to do more than provide relief. We have to provide reconstruction and rehabilitation as well. And in that

process, housing and community development must play a key role.

The Administration is determined to turn Community Development Block Grants into a program of general revenue sharing. I am determined to see that this program keeps its identity—that it is directed toward meeting the greater physical needs of our cities and towns—not diluted into a substitute for local tax efforts. The Administration has argued that block grants should be developed for certain general purposes—like education or health care. But now they are taking the first block grant developed for such stated purposes and trying to make it into revenue sharing. Not only do they want to kill the purpose of the program, they want to slash at its funding level. It is a variation of the old, and basic theme of this Administration; namely, that doing nothing is doing best. They believe that if we do nothing to revitalize city centers, that's the best thing. They believe that if we do nothing to provide decent and affordable housing, that's the best thing. They believe that if we do nothing to replace what is worn out, if we do nothing to revitalize what has the potential to be revitalized—then that is the best policy. But you and I know, just as the turn-of-the-century muckrakers, who documented the misery of the left-out, left-behind, city—that too little trickles down to house the poor, too little slops over the rim of the golden goblet to rehabilitate slums, and that unless there is a community effort, unless there are government resources brought to bear, the great, accumulated needs overwhelm the resources of the few who care, who seek to do by charity what the whole community, alone, can do.

The Administration made clear its design for Community Development Block Grants in their announced regulations last year. Those regulations would not just eliminate any requirement that grant recipients make a clear effort in behalf of areas and people most in need—but would eliminate any meaningful review. The overall impact of the proposed HUD regulations would effectively destroy any meaningful planning, any meaningful review, any meaningful targeting—and, ultimately, any meaningful impact of the CDBG program. And after one or two or three years of operating in that kind of regime, the obvious would happen: CDBG would become diluted, its impact dispersed, and then we would hear this argument. "Well, you see, the program just isn't effective." What the administration aims to do is to create the conditions that would later justify eliminating this program altogether.

Last year, the Housing Subcommittee held hearings to review the proposed CDBG regulations. Every witness, virtually every community and community organization that we heard from, said the same thing: "Don't turn this into a revenue sharing program. We want a program that has clear objectives. We want a program that ensures that funds go to the places where it is most needed. We want a program that continues to have a real impact, a positive benefit."

The Department of Housing and Urban Development promised that they would consider our objections, and get back to us. So far, nothing has happened. We now face the situation that unless the committee issues a resolution of disapproval by March 4, the proposed CDBG regulations will go into effect. What we would then have would be not CDBG as Congress intended, not a program that is clearly targeted; we would have just another chunk of general revenue sharing money.

As I have said, if we allow these regulations to go into effect, the CDBG program will soon become so diffused that it will lose both its impact and its identity. It would then be a program with no genuine constituency, and it would be ripe to fold into general revenue sharing. Not only the poor would lose—but cities would ultimately end up with far less money overall than they receive today.

I insist that the CDBG program should continue to operate as it was intended, as Congress intended. And I assure you that I believe the Banking Committee will not hesitate to approve a resolution disapproving the proposed HUD regulations, unless the Administration makes substantial changes in them, which they assured us they would in all probability do. I am waiting to hear from HUD, which I presume will speak when and if OMB removes their gag.

I not only believe that CDBG ought to be preserved in its intent and direction—I believe that CDBG can—and will—play an important role in hauling the country out of the economic ditch that it has been in for these past two and a half years.

We have in CDBG a program that has a backlog of indentified community needs. We have a mechanism to administer program funds. We have a corps of people who know how to put programs into operation. There could be no better vehicle for an economic stimulus program than CDBG.

I intend to offer, and believe that I will find support for, a $1 billion expansion of the CDBG program.

This would be a program with a high employment impact. It would be a program with a quick development—because the mechanisms are already in place, and vast number of projects are already indentified and planned.

This would be a program that would make a difference. It would not just put people to work, it would put in place projects that communities desperately need.

I do not believe it makes any sense to have millions of skilled people out of work for an indefinite length of time. It is not enough to say that some day this will all get better. I believe that we must invest in our human resources, and we must invest in our communities. We must allow our people to do what they want most to do—and that is to work at building our great country. I am firmly convinced that an expanded Community Development Block Grant Program makes sense, I will work for it, and I ask for your support of it.

While you and I are working for expanded community development efforts, the Administration is continuing to sluice water under the foundations of another critically important program, UDAG. They are telling us that investors just aren't coming in on UDAG projects, so they can't expand all the available funds—especially in rural areas. Why is this? Well, it is true that economic conditions are not all that attractive for investors. But it is also true that the Administration has refused to move one iota to accommodate that hardship—to make the program more workable. They have stuck with the high leverage requirements, which would be fine in boom times. But what is needed is an accommodation to today's reality—which is a climate in which investment risks have to be small in order to be attractive. The fact is that the Administration is simply not willing to make the fullest use of UDAG—and so they fail to relax the very stringent leverage requirements that are in place. If they did reduce those requirements, if they did reduce the investment risk, we would have a program that is fully used and fully effective. The question is whether that will be done. And I believe that unless the Administration does move to make this very practical, effective program realize its full potential—Congress will be forced to enact by statute what ought to be done by administrative action.

The nation may—or may not be—on the verge of regaining some sign of economic life. But even the most optimistic forecasters see a slow growth and a high rate of unemployment for years to come.

What this says to me is that our needs are going to grow, not shrink.

It says to me that millions who have been newly impoverished are likely to stay that way—unless we change the policies of this nation.

It says to me that the millions who lack decent shelter at affordable prices will find their hardships multiplied—unless we change this nation's policies.

It says to me that the nation's cities—which are developing impressive new skills, and building themselves back up—will find themselves in a dead end—unless this nation changes its policies.

The Administration says that government can do nothing.

You and I know that there are some things that only government can do.

And the fact of the matter is, a livable community in a vibrant nation is possible only if government and business work together. It is possible only if we have a sense of community and a commitment to each other. It is possible only if we have a commitment to the future.

The programs I support represent just that—a partnership for the future, a commitment to each other.

We have seen the Reagan program, and it does not work.

We have also seen the CDBG program, and it does work. We have seen housing programs, and they do work.

Even Republicans are now saying that this country needs a jobs program. Even David Stockman says that there is room in the budget for such an effort. I don't pretend that some evangelist has reached into the White House and converted the man who would be Coolidge. But I say this: time has passed him by, and we have a job to do.

I think we have the ability to do what needs to be done for our communities, and for the people who live in our communities.

I think we have the ability to move together and work together. And I believe we can—and will—move ahead.

COMPETITIVE SHIPPING AND SHIPBUILDING ACT OF 1983 (H.R. 1242)

The SPEAKER pro tempore (Mr. MONTGOMERY.) Under a previous order of the House, the gentlewoman from Louisiana (Mrs. BOGGS) is recognized for 30 minutes.

Mrs. BOGGS. Mr. Speaker, the ranking of the U.S. bulk cargo fleet among the maritime fleets of the world has fallen. In 1970, the U.S.-flag, U.S.-built liquid and dry bulk fleet engaged in international commerce totaled 81—today it consists of only 40 ships. If provisions are not made for replacement of these vessels we can

most assuredly expect a further, perhaps irreversible, decline in the U.S. bulk fleet.

Since 1950, the carriage of U.S. foreign commerce in American-bulk ships has shrunk from 42 percent to less than 4 percent. By contrast, Liberia, Panama, Canada, Great Britain, Japan, and Norway carry almost 75 percent of our waterborne commerce.

Other countries, especially the Soviet Union, are expanding their bulk fleets as we allow ours to atrophy.

I have introduced the Competitive Shipping and Shipbuilding Act of 1983, legislation I believe will help support and maintain two of this Nation's most valuable yet overlooked assets, the U.S. merchant marine and the shipbuilding mobilization base. Passage of this legislation will help achieve one of the longstanding objectives of the Congress as well as one of President Reagan's goals; that is, to insure an American merchant fleet capable of carrying a fair portion of our Nation's foreign trade.

Enactment of a national bulk cargo policy will provide a number of benefits. It will strengthen our national defense by providing a bulk fleet that is capable of serving as a naval and military auxiliary in time of national emergency. It will revitalize our shipbuilding mobilization base by providing critical work for commercial shipyards, many of which will close if there is no market for commercial vessels. It will provide jobs to thousands of shipyard and shipboard workers at a time when unemployment is at its worst in 30 years and it will provide substantial work for the hundreds of allied industries across the country that supply the shipbuilding industry. There will be new Federal and State tax revenues generated from this employment and commercial activity.

This is not a subsidy bill. There will be no cost to the American taxpayer because this bill will not require the expenditure of any additional Federal funds.

H.R. 1242 will accomplish its objectives by requiring all exporters and importers of bulk commodities in the foreign commerce of the United States to ship 5 percent of their cargoes on U.S.-flag, U.S.-built ships. That proportion would increase by 1 percent each year until a minimum level of 20 percent of all U.S. bulk commodities is carried on U.S.-flag ships.

The legislation requires that U.S. ship construction and operating costs each be reduced by 15 percent. The Secretary of Transportation would use these projected cost reductions, together with international charter market indices, to establish guideline rates for the carriage of bulk commodities on ships covered by the act. The guideline rate would be the maximum rate which could be charged by the operators of these vessels. A waiver provision is incorporated into the legislation which would apply if the Secretary of Transportation determines that a U.S.-flag, U.S.-built bulk cargo ships is not available or is not available within guideline rates.

COST SAVINGS

The cost savings are an important element in the viability of this cargo reservation policy concept. These cost savings to importers and exporters would result from innovations and other factors in both the construction of bulk ships and in their operation.

In ship construction the 15-percent cost savings would result from series production of at least 10 ships of the same design in any single shipyard. Such a stable workload would permit shipyards to dedicate specific facilities, work force and management to a bulk ship construction program. In addition, the one-time, front-end costs of engineering, jigs, and fixtures by the shipyard would be spread against 10 ships, rather than the usual 1 or 2. Some 50 to 60 percent of total ship construction costs are due to material and equipment. With series construction there are opportunities for quantity discounts by suppliers.

A reliable, long-term workload will increase shipyard labor productivity as well as create the necessary stability for increased capital improvements in facilities.

The steady workload envisioned in this program will create conditions similar to those under the very successful mariner construction program of the 1950's which had standard designs and common components. This will significantly reduce construction times with attendant cost savings.

Representatives of maritime labor have pledged further reduction in vessel manning scales. The union training schools will provide skilled personnel to crew the newer and more technologically advanced vessels. These representatives have also agreed to contractual arrangements consistent with required skills and the need for higher productivity, and they have promised no interruption of service for long-term contractual arrangements.

Some maritime unions have also promised joint contracts for each new vessel constructed as a result of this legislation. These agreements provide for a top-to-bottom three-crew, two-ship operation, whereby three crews rotate between two ships on a regular basis. Generally, the current practice is for four crews to rotate among two ships. This will increase familiarity with vessels and the productivity of the seamen.

Present daily crew costs for U.S. bulk carriers built in the 1970's and operating with a shipboard work force of 26 averages $6,398.06 per day. Proposals are being made in the context of this legislation that would reduce crews from 26 to 22. Through crew reductions and other measures, average costs would be reduced to $4,847.79 per day, a savings of $1,550.27 per vessel per day. On an annual basis this would reduce operating costs by approximately $565,000 per vessel.

ECONOMIC BENEFITS

Mr. Speaker, enactment of H.R. 1242 offers numerous important economic benefits. Passage of this bill is projected to provide for the construction of 158 bulk ships of 120,000-deadweight-ton capacity by 1998. The availability of assured cargo would stimulate investment in the construction of vessels in U.S. shipyards to meet the need for new tonnage and to replace existing tonnage that becomes obsolete.

It will increase business to shipbuilding support industries. The shipbuilding industry has a great impact on other industrial concerns in the United States. The defense economic impact modeling system, prepared by the Office of the Secretary of Defense, identifies mining, steel mills, and foundries as support industries along with fabricated metals/alloys, pipes and valves, machinery and propulsion, and semiconductors as supporting products. According to this source, each dollar invested in the shipbuilding industry yields an additional dollar generated throughout the private sector.

Enactment will create thousands of job opportunities for American workers, in maritime-related service, supply and material industries. This legislation would create 146,150 man/years of employment in American shipyards, as well as 6,162 seagoing jobs. Especially important, more than 200,000 existing American jobs in ship construction and repair, ship operation, and maritime-related service, supply, and material industries would be saved. Absent this legislation, jobs will be lost. One group that undoubtedly would be hit hardest by an employment cutback would be minorities. Approximately 28 percent of the U.S. shipyard work force and approximately 17.5 percent of the shipboard work force consists of minorities.

Millions of dollars will flow to the U.S. Treasury each year through corporate taxes on both shipbuilding and shipping profits and income taxes on shipyard workers and seamen if this program is adopted. The Treasury Department has estimated that multinational companies escape over $100 million per year in U.S. taxation by registering vessels under foreign flags and using foreign crews. Subpart F of the Internal Revenue Code provides a special exclusion for shipping income of foreign-based companies. This exclusion amounts to an indirect subsidy of foreign-flag shipping.

Another result will be a boost in our international balance of payments.

When U.S. companies and U.S. crews are used to transport America's imports and exports, dollars are retained in or transferred to the American economy via the services U.S. operators provide to foreign countries. These dollars are used to purchase American goods and services. For the past decade, however, more money has been paid out to foreigners for ocean transportation than to domestic operators. Of the $8 billion worth of shipping services recorded in the balance of payments for 1980, only $2.6 billion was paid to U.S.-flag carriers. The remaining $5.4 billion was paid to foreign carriers, leaving a deficit of some $2.8 billion. If U.S.-flag vessels has a larger share of American bulk cargo imports and exports, this trend would be quickly reversed.

NATIONAL SECURITY

There are also national security implications in the adoption of a cargo reservation policy. A shipyard mobilization base, with a trained pool of shipbuilding labor, is a national necessity. Currently, 26 yards make up this base, but many are in danger of closing. This bill would provide substantial building and repair work for U.S. commercial shipyards for years to come.

A liquid bulk ship operating capability is also essential. In the recent Falklands dispute, three of every four British ships were commercial vessels. Of these, almost half were tankers. Admiral Kent Carroll, commander, the Military Sealift Command, has called the need for the right type of U.S.-flag tankers one of the most pressing current needs for military planners. This bill would help meet that need.

Because we import vast quantities of strategic commodities, and because most of these move in foreign-flag dry bulk ships, we are vulnerable to a cutoff of supplies that are vital to the U.S. industrial base. This vulnerability increases when one considers that the Soviet Union is more self-sufficient with regard to strategic raw materials than any other nation in the world, relying on foreign sources for only seven strategic minerals. This bill would substantially reduce our vulnerability to a supply cutoff.

INTERNATIONAL TRADE POLICY

Adoption of this bulk cargo reservation policy will not damage our credibility as the world's leader of free trade.

Trade in international shipping services is not governed by a free and open market. Reliance on free-market mechanisms has placed the U.S. merchant marine at a serious disadvantage and has been partly responsible for the dangerous decline of the fleet.

Many nations, recognizing the importance of a strong merchant marine, support their shipping and shipbuilding industries through subsidies, tax incentives, preferential financing and cargo reservation schemes.

France, for example, reserves two-thirds of oil imports and half of its coal imports for French-flag vessels. Venezuelan law mandates that 100 percent of all Government cargoes and 50 percent of all trade be carried on Venezuelan ships. Japan and Korea provide below market financing for ship construction. Korea also provides its fleet with a variety of subsidies and reserves for Korean-flag vessels, all major designated cargoes.

Socialist countries operate large state-owned fleets that are used for military, political, and other noncommercial purposes. Since profitmaking is not a constraint in the operation of these fleets, they are free to charge below-market rates. The rapid expansion of the Soviet fleet and its rate-cutting practices have become an increasingly disruptive force in world shipping trades.

Many less developed nations intent on becoming maritime powers have made a direct policy link between the goal of increasing trade with the world and the goal of building a powerful merchant fleet. This has been a guiding force behind the liner code proposed by the United Nations Conference on Trade and Development (UNCTAD).

The UNCTAD code which provides for bilateral cargo sharing between trading partners has been signed by over 60 countries. In addition, most of our allies have announced their intent to sign it. The United States stands virtually alone in its refusal to ratify UNCTAD.

Although this accord is specific to liner trade, many countries are proposing that it be used as a model for a bulk cargo sharing agreement. In addition, many countries, including the Philippines, Brazil, India, and Indonesia, are already using the UNCTAD agreement as a basis for formulating unilateral cargo reservation policies for bulk goods.

The trend in international shipping is clearly not in the direction of a free and open market. Many nations, pursuing valid commercial and national security goals, have fundamentally biased the international market in shipbuilding and ocean transportation services. Enactment of cargo legislation would not mean that the United States was turning protectionist. It would merely signal recognition by our policymakers of the realities of modern markets.

CARGO DIVERSION QUESTION

Concern have also been expressed that a bulk cargo policy, such as the one set forth in H.R. 1242, would lead to the diversion of bulk cargos from one port to another or from one region to another. It is not the intent of any of the supporters of this legislation that any cargo diversion result from its enactment. Upon further analysis, if diversion were to result from provisions of this bill, I would certainly support changes to remedy that situation.

Mr. Speaker, the United States does not have a merchant fleet capable of moving a significant portion of its foreign waterborne trade. It does not have a merchant fleet capable of serving as an effective auxiliary in time of war of national emergency. We are not able to maintain a shipyard mobilization based sufficient to meet national defense requirements. Congress must remedy these unacceptable deficiencies by enacting this legislation.

The economic benefits to the United States, and the national security implications of this bill, compel us to act upon it. As a result of adoption of this legislation we will become more competitive in an interdependent world.

I include herewith for printing in the RECORD the bill, an analysis and supporting material, as follows:

H.R. 1242

A bill to promote increased ocean transportation of bulk commodities in the foreign commerce of the United States in United States-flag ships, to strengthen the defense industrial base, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Competitive Shipping and Shipbuilding Act of 1983".

FINDINGS, PURPOSES, AND POLICY

SEC. 2. (a) The Congress finds and declares the following:

(1) The United States is totally dependent upon foreign-flag bulk shipping services in that United States-flag vessels now carry less than 4 percent of its bulk import and export cargoes in international trade.

(2) Virtually all bulk imports of the United States are critical to American industrial production or to the maintenance of adequate energy supplies.

(3) Bulk exports of the United States contribute substantially to the United States balance of trade, provide major sources of employment in the United States, and contribute to the food supply and other essential requirements on a worldwide basis.

(4) The United States cannot afford to rely heavily upon foreign sources to provide the transportation services needed to maintain the flow of essential bulk imports and exports if it is to ensure its economic and political independence.

(5) The United States is continuing to lose the major portion of revenues generated by the carriage of its bulk imports and exports in international trade.

(b) It is therefore declared to be the purpose and policy of the Congress in this Act—

(1) to take immediate and positive steps to promote the orderly and rapid growth of the bulk cargo carrying capability of the United States merchant marine in order to transport at least 20 percent of our bulk imports and exports in United States-flag ships within fifteen years;

(2) to assist and cooperate with the importers and exporters of bulk commodities so that they will be able to ship their goods in United States-flag ships in a commercially practicable manner; and

(3) to encourage the construction in U.S. shipyards of new, efficient, and environmen-

tally safe bulk cargo carrying merchant vessels.

DEFINITIONS

SEC. 3. As used in this Act—

(a)(1) The term "United States-flag ship" means a bulk cargo carrying vessel that meets each of the following conditions:

(A) The vessel was built in the United States;

(B) The vessel is documented under the Vessel Documentation Act, (94 Stat. 3453);

(C) Each member of the crew of the vessel is a United States Citizen; and

(D) not more than 50 percent of the main propulsion machinery, other machinery, articles and components of the vessel, which are not an integral part of the hull or superstructure, are of foreign manufacture. This percentage shall be computed on the basis of cost, determined separately for each item of machinery or equipment.

(b) the term "bulk cargo" means cargo transported in bulk without mark or count by a vessel engaged in the foreign commerce of the United States.

(c) The term "Secretary" means the Secretary of Transportation.

CARRIAGE OF BULK CARGOES ON U.S.-FLAG SHIPS

SEC. 4(a) In the calendar year following the year of enactment of this Act, each importer or exporter of bulk cargoes shall transport at least 5 percent of these bulk cargoes in United States-flag ships. In each calendar year thereafter the percentage of bulk cargoes required to be transported in U.S.-flag ships shall increase by one percent until the percentage of the bulk cargoes required to be transported in U.S.-flag ships during each calendar year is at least 20 percent.

(b) The requirements imposed in subsection (a) of this section are obligations of the importer and exporter of bulk cargoes, and may not be avoided by the terms of sale of those bulk cargoes.

(c) Each importer and exporter subject to the requirements of this Act shall, upon acceptable documentation, be granted credit on a ton for ton basis, for the employment of United States-flag ships in the transportation of bulk cargoes between foreign ports, against the volume of bulk cargoes which otherwise would be required to be transported in United States-flag ships pursuant to this Act.

(d) Beginning in the first calendar year after enactment, the Secretary may relieve any importer, exporter, shipper, or receiver, from the requirements of this Act, upon application, to the extent he determines necessary, upon a finding that United States-flag ships are not available or are not available within guideline rates pursuant to Section 5. In determining the extent of relief to be granted in terms of aggregate tonnage of bulk cargoes, numbers of vessels, and duration of relief, the Secretary shall take into account the timeliness of the application for waiver, the vessels on order, under construction, coming off-hire and such other factors as he deems appropriate. In no event shall relief be granted for a period beyond the calendar year in which application is made. No relief may be granted under this subsection if the Secretary determines that cargo is being diverted to avoid compliance with this Act.

(e) For the purposes of this Act, any percentage of bulk cargo shall be measured by the aggregate tonnage of all bulk cargoes shipped on account of an importer or exporter in the foreign commerce of the United States.

ESTABLISHMENT OF GUIDELINE RATES

SEC. 5(a) The Secretary shall establish and publish guideline rates for the carriage of bulk cargoes subject to this Act. In establishing the guideline rates, the Secretary must assure that the rate takes into account the following objectives:

(1) the development and maintenance of a modern, efficient United States-flag bulk cargo fleet;

(2) the availability of a United States-flag bulk cargo fleet to meet U.S. strategic requirements in time of international crisis;

(3) the maintenance of international markets for United States bulk exports and the development of new market opportunities; and

(4) the continued access by American industry to essential bulk imports.

(b)(1) In order to establish the guideline rates, the Secretary shall estimate the current cost, including reasonable profit, of operating various classes of United States-flag ships in the foreign bulk trades of the United States and the current cost, including reasonable profit, of constructing various classes of United States-flag ships in U.S. shipyards.

(2) These current cost estimates shall be promulgated within six months after enactment of this Act. Thereafter these estimated costs shall be revised annually to reflect the annual GNP deflator, as determined by the Bureau of Labor Statistics, and any other factors the Secretary deems appropriate.

(3) In the second year following the commencement of the required percentage of United States-flag ship transportation, as set forth in Section 4, United States-flag ship operating costs and U.S. shipyard construction costs, such construction costs based upon a ten-ship series in a U.S. shipyard, must each reflect cost reductions of at least 15 percent below the Secretary's initial estimated costs, as set forth in subsection (b)(1).

(4) In the second year and in each succeeding year following commencement of required United States-flag ship transportation, as set forth in Section 4, the Secretary shall employ these cost estimates, as adjusted pursuant to subsection (b)(2), as the primary basis for establishing guideline rates as required by this section.

(c)(1) Guideline rates shall be separately established for voyage, time, and bareboat charter, by class of vessel, by commodity and trade, as necessary, and shall be based upon recognized international charter market indices, adjusted to reflect the Secretary's estimated costs, pursuant to subsection (b). In the absence of such recognized indices the Secretary shall utilize the best available information. The Secretary shall promulgate by regulation the indices or other information he will rely upon and the methodology and criteria he shall employ in adjusting such indices to achieve the purposes of this Act.

(2) These guideline rates shall be reviewed and adjusted periodically, as circumstances require, but not less frequently than annually.

(3) These rates, as established by the Secretary, may not reflect costs greater than the adjusted costs as set forth in subsection (b).

(4) Guideline rates shall be the maximum rates which may be charged for the charter of United States-flag ships for the transportation of those bulk cargoes that are required to be transported under this Act.

(d) In the first Calendar year following enactment of this Act, the Secretary, in consultation with the advisory committee established in subsection (e), shall establish and publish interim guideline rates. These interim rates shall be based upon a fair and reasonable rate for the transportation of bulk cargoes on existing United States-flag bulk cargo carrying vessels; the specific charters, voyages, bulk commodities and trades concerned; the objectives of this Act; and any other factors the Secretary deems appropriate. These interim rates shall be the maximum rates which may be charged for the charter of United States-flag ships until guideline rates have been established and published pursuant to subsections (b) and (c).

(e) The Secretary shall appoint and consult on a regular basis with an advisory committee, composed of importers, exporters, charter brokers, United States-flag ship operators, shipbuilders, labor unions, and management and labor organizations, to advise and assist him in the establishment and review of United States-flag ship operating costs and U.S. shipyard construction costs, guideline rates and regulations. The advisory committee may be divided into panels as the Secretary deems appropriate. Members shall be appointed for terms of three years and may be reappointed to succeeding terms. Members shall serve without compensation.

REPORTING OF AMOUNT SHIPPED ON UNITED STATES-FLAG SHIPS

SEC. 6(a) Each person, corporation, partnership, or other business entity that imports or exports bulk cargoes in the foreign commerce of the United States, and whose volume of business exceeds $1 million annually (in imports or exports or any combination thereof) shall submit to the Secretary, on or before January 31 of each year, a sworn statement certifying that the percentages of its imports and exports carried on United States-flag ships in the preceding year were at least the percentage required to be transported in United States-flag ships under section 4 of this Act. The Secretary shall prescribe by regulation the documentation required to be submitted with the sworn statement in order to verify its accuracy.

(b) Each importer, exporter, shipper, or receiver, who fails to use United States-flag ships to transport the required percentage of imports or exports required by this Act, and who has not applied for and received timely relief pursuant to section 4(d), shall use exclusively United States-flag ships for the transportation of bulk cargoes until the percentage deficiency has been recouped. Any such failure shall not constitute grounds for Secretarial relief from the requirements of this Act.

CIVIL PENALTY PROVISION

SEC. 7(a) It is unlawful for any importer or exporter to violate any provision of this Act or any regulation issued pursuant to this Act. Any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code (5 U.S.C. 554), to have violated this Act, or any regulation issued under it, shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $100,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty,

the Secretary shall take into account the nature, circumstances, extent, and gravity of the act committed and, with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(b) Any person against whom a civil penalty is assessed under subsection (a) may obtain review thereof in the appropriate district court of the United States by filing notice of appeal in the court within 30 days from the date of the order and by simultaneously sending a copy of the notice by certified mail to the Secretary. The Secretary shall promptly file in the court a certified copy of the record upon which the violation was founded or the penalty imposed, as provided in section 2112 of title 28, United States Code (28 U.S.C. 2112). The findings and order of the Secretary shall be set aside by the court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code (5 U.S.C. 706(2)).

(c) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

REGULATIONS

SEC. 8. The Secretary of Transportation may issue such regulations as are necessary to carry out this Act.

EFFECTIVE DATE

SEC. 9. This Act shall become effective upon enactment.

COMPETITIVE SHIPPING AND SHIPBUILDING ACT OF 1983 (H.R. 1242) SECTION-BY-SECTION ANALYSIS

Section 1. This section states that the Act may be cited as the "Competitive Shipping and Shipbuilding Act of 1983".

Section 2. Findings, Purposes, and Policy

In Section 2(a) the Congress finds and declares that: the United States is dependent upon foreign-flag bulk shipping services; U.S.-flag vessels now carry less than four percent of its bulk import and export commodities; virtually all bulk imports are critical to American industrial production or maintenance of energy supplies; bulk exports contribute substantially to the U.S. balance of trade, provide major sources of employment, and contribute to the food supply on a worldwide basis; the United States cannot rely upon foreign sources to provide transportation services in times of national emergency; and, the United States is continuing to lose the major portion of revenues generated by the carriage of its bulk imports and exports in international trade.

In Section 2(b) the Congress declares that the purposes and policy of the Act are to: take immediate and positive steps so as to transport at least 20 percent of U.S. bulk imports and exports in U.S.-flag ships within 15 years; make it possible for importers and exporters to be able to ship their goods in U.S.-flag ships in a commercially practicable manner; and, encourage the construction of bulk cargo carrying merchant vessels in U.S. shipyards.

Section 3. Definitions

Section 3(a) defines "United States-flag ship" as a bulk cargo carrying ship having U.S. citizen crews and built in, and documented under, the laws of the United States. In addition, no more than 50 percent of the total materials and components of the vessel can be attributed to foreign manufacture.

Section 3(b) defines the term "bulk cargo" as cargo transported in bulk without mark or count by a vessel engaged in the foreign commerce of the United States.

Section 3(c) defines "Secretary" as used throughout the Act to mean the Secretary of Transportation.

Section 4. Carriage of Bulk Cargoes on United States-flag Ships

Section 4(a) requires that in the calendar year following the year of enactment of this Act, at least five percent of all bulk cargoes moved by water and imported to or exported from the United States must be carried on U.S.-flag ships. In each calendar year following, an additional one percent of the bulk cargoes are to be shipped in U.S.-flag vessels until a minimum of 20 percent is reached. Thus, in 15 years at least 20 percent of all U.S. bulk imports and exports will be transported on U.S-flag ships.

Section 4(b) places the obligation of complying with the requirements of the Act on the importer and exporter of bulk cargoes. In addition, this section makes it clear that an importer or exporter cannot avoid the requirements of the Act by altering the terms of sale of the bulk cargoes.

Section 4(c) specifies that any importer or exporter who is subject to this Act, shall be granted credit on a ton for ton basis, for employing the use of U.S.-flag ships in the transportation of bulk cargoes between foreign ports.

Section 4(d) is a waiver provision whereby the Secretary of Transportation may relieve any importer, exporter, shipper, or receiver, from the requirements of the Act when it is determined that United States-flag ships are not available or are not available within guideline rates as set forth in Section 5. In determining the extent of any relief to be granted, the Secretary is required to take into consideration the timeliness of the waiver application, the number of vessels on order, under construction, coming off-hire and any other factors he deems relevant. However, no relief can be granted for a period beyond the calendar year in which the application is made. In addition, no relief will be granted where the Secretary determines that cargo is being diverted to avoid compliance with the Act.

Section 4(e) makes it clear that when bulk cargoes are expressed as a percentage, that percentage shall be measured by adding the tonnage of all bulk cargoes shipped by each importer or exporter in the foreign commerce of the United States. In other words, in determining whether an importer or exporter has carried the required percentage of cargo on U.S.-flag ships in any given year, the Secretary of Transportation shall look at the total tonnage of all bulk cargoes shipped by that importer or exporter in that year.

Section 5. Establishment of Guideline Rates

Section 5(a) requires the Secretary of Transportation to publish guideline rates for the carriage of bulk cargoes on U.S.-flag ships. In establishing the guideline rates, the Secretary must assure that the rate takes into account the following objectives:

(1) the development and maintenance of a modern, efficient United States flag bulk cargo fleet;

(2) the availability of such a fleet to meet U.S. strategic requirements in time of international crisis;

(3) the maintenance of international markets for United States bulk exports and development of new market opportunities; and

(4) the continued access by American industry to essential bulk imports.

Section 5(b) requires the Secretary in establishing the guideline rates, to estimate the current cost, including reasonable profit, of operating various classes of United States-flag ships in the foreign bulk trades of the United States and the current cost, including reasonable profit, of constructing various classes of United States-flag ships in U.S. shipyards. These cost estimates must be established within six months after the Act is signed into law. These estimated costs must be revised annually in order to reflect the current year's inflation rate and such other factors as the Secretary deems appropriate.

Two years after the commencement of the required percentage of cargo to be transported on U.S.-flag ships becomes effective, the cost of operating a United States-flag vessel in the foreign commerce of the United States and the cost of constructing a bulk cargo carrying vessel in a U.S. shipyard must be at least 15 percent below the Secretary's initial cost estimates. These cost estimates, as adjusted for inflation each year, will then be used as the primary basis for establishing the guideline rates.

Section 5(c) requires that the guideline rates be established individually to reflect the specific type of cargo movement (for example, the type of vessel, commodity and voyage). These guideline rates will be based upon internationally accepted charter market rate quotations (for example, London Brokers Panel) which will be adjusted upward or downward to reflect the Secretary's estimated costs, as outlined in Section 5(b). If an international market rate quotation is unavailable for a specific type of cargo movement, the Secretary is directed to utilize the best available information in determining an appropriate rate.

The Secretary must issue regulations, which explain the particular quotations or other information he will rely upon, and the methodology and criteria he will use in adjusting the charter market rates. The Secretary must review and adjust the quideline rates on at least an annual basis. Any adjustments to these rates may not reflect costs greater than the adjusted costs set forth in Section 5(b). These guideline rates shall be the maximum rates that a U.S.-flag ship operator may charge for the transportation of bulk cargoes subject to the Act.

Section 5(d) states that in the first calendar year following enactment of this Act, the Secretary, in consultation with the advisory committee established in Section 5(e), shall establish and publish interim guideline rates. These interim rates shall be based upon a fair and reasonable rate for the transportation of bulk cargoes on existing United States-flag bulk cargo carrying vessels. These interim rates shall be separately established for specific charters, voyages, bulk commodities and trades concerned, taking into account the objectives of this Act, and any other factors the Secretary deems appropriate. These interim rates shall be the maximum rates which may be charged for the charter of United States-flag ships until guideline rates have been established and published pursuant to Section 5(b) and (c).

Section 5(e) requires the Secretary of Transportation to appoint and consult with an advisory committee to advise and assist him in the establishment and review of United States-flag ship operating and construction costs, guideline rates and regulations. The advisory panel shall be composed of importers, exporters, charter brokers, United States-flag ship operators, shipbuilders, labor unions, and management and labor organizations.

Section 6. Reporting of Amount Shipped on United States-flag Ships

Section 6(a) sets forth the reporting requirements for determining whether or not the importer or exporter has met the required percentage of trade reserved for U.S.-flag ships. The provisions and reporting requirements of the Act are applicable to any U.S. business entity that imports or exports bulk cargoes in the foreign commerce of the United States, and whose volume of business exceeds $1 million annually.

Section 6(b) requires that any importer, exporter, shipper, or receiver, who fails to carry his required percentage of cargo on U.S.-flag ships, shall, in the next year, use exclusively U.S.-flag ships to carry all shipments until he has recouped the deficiency from the preceding year.

Section 7. Civil Penalty Provision

Section 7 specifies the Civil penalty to be imposed on any importer or exporter who violates any provision of the Act. The maximum penalty for each violation is $100,000 and each day of a continuing violation is to be considered a separate offense. The amount of the penalty to be assessed is to be determined by the Secretary of Transportation, taking into account the nature, circumstances, extent, and gravity of the act committed, and with respect to the violator, the degree of culpability, history of prior offenses, and any other matters deemed appropriate. The latter half of Section 7 sets out the judicial review procedures available to the violator and the enforcement procedures to be used in collecting the penalty assessed.

Section 8. Regulations

Section 8 authorizes the Secretary of Transportation to issue such regulations as may be necessary to carry out the provisions of the Act.

Section 9. Effective Date

Section 9 establishes that the effective date is the date of enactment of the Act.

QUESTIONS AND ANSWERS REGARDING H.R. 1242

What is "bulk cargo?

Bulk cargoes are raw materials, either liquid or dry, usually shipped in large quantities (full shiploads) between various ports. The major liquid bulks are oil and chemicals; the major dry bulks are minerals and agricultural products.

How many bulk ships are there in the United States?

There are only 40 oceangoing bulk ships operating in the foreign trade and registered in the United States.

What percent of U.S. foreign oceanborne commerce is carried on U.S.-flag ships?

Only 3.6 percent of all U.S. foreign oceanborne trade is carried on U.S.-flag ships. Approximately 3.9 percent of U.S. oceanborne foreign liquid bulk and 1.3 percent of U.S. oceanborne foreign dry bulk is carred on U.S.-flag ships.

If the "Competitive Shipping and Shipbuilding Revitalization Act of 1983" were enacted, what portion of U.S. bulk cargoes would be required to move on U.S.-flag vessels?

The bill provides for five percent of all bulk cargoes to be carried on U.S.-flag vessels initially and increased by one percent annually until a minimum of twenty percent of bulk imports and exports is carried by the U.S. fleet. This goal would be reached by 1998.

What allied industries would be affected by this bill?

The Defense Impact Modeling System, prepared by the Office of the Secretary of Defense, identifies mining, steel mills and foundries as supporting industries, along with fabricated metals/alloys, pipes, and valves, and semi-conductions as supporting products for shipbuilding. It estimates that for each dollar that goes directly into the shipbuilding industry an additional dollar is generated throughout the private sector.

How would a shipper be penalized if he did not comply with the Act?

At the outset, the bill is designed to permit flexibility in meeting requirements. Should a shipper fail to comply with the designated share of cargo on U.S.-flag vessels, he would be permitted to make up the difference by carrying an additional percentage the following year. However, in the next year, if he again failed to ship the proper percentage of his exports and/or imports on U.S.-flag, U.S.-built vessels, he would be prohibited from carrying oceanborne foreign bulk cargo for a period of one year.

Does the "free market" really exist in international trade?

The answer is "no". International trade does not operate in a free and open market because of protectionist mechanisms such as cargo preference, bilateral shipping agreements, favorable tax and tariff policies, and preferential currency and customs treatments administered by foreign governments in their own interests.

How many nations reserve cargo for their national flag fleets?

At least 45 nations reserve cargo for their national flag fleets.

What is the cost to the government of this legislation?

The U.S. Treasury will expend no additional funds if this legislation is enacted.

Why is it mandatory that we maintain our shipbuilding capabilities and our shipbuilding mobilization base?

It is important in order to support our national security and economic needs in the event of war or emergency as well as to avoid future problems in recruiting, training and retaining shipyard workers, and to provide work for support industries essential to the economy.

Why are bulk vessels essential to national security?

Bulk vessels are essential for the transport of strategic raw materials used in defense planning and are designed to carry bulk military cargoes in time of national emergency. Bulk vessels can also be designed with certain "National Defense Features" to make them quickly and easily coverted to carry non-bulk cargoes that will be needed in a defense emergency.

How can we reach our goal of a strong merchant marine, as required for the national security?

Many approaches have been tried, both in the United States and in other countries. The single most effective method is to reserve a fair and necessary share of cargoes for the national-flag fleet. This bill would achieve that for the United States, in much the same way that foreign nations successfully do for their own fleets.

IMPACT OF THE COMPETITIVE SHIPPING AND SHIPBUILDING ACT (H.R. 1242)

The center of controversy in this proposed legislation is the potential amount of increase in freight rates that may be experienced by U.S. exporters and importers, and the effect of such an increase on their competitive positions in world markets.

Based on an analysis prepared by G. D. Fuller, C. R. Setterstrom, and John F. Walters of the Maritime Administration and presented to a SNAME Symposium on Ship Costs and Energy, September 30–October 1, 1982, the following information was developed.

Required freight rates

	Long ton
1. Required freight rate for a 144,000 DWT restricted draft collier built, crewed, and flagged in the U.S., and hauling coal from Hampton Roads, Va., to Rotterdam, Holland.	$12.00
2. Required freight rate for the same vessel built, crewed, and flagged in a foreign country	8.10
3. Average required freight rate for all freight movements, using 80 percent foreign ships and 20 percent U.S. ships	8.88
4. Difference between all-foreign rate and average rate	.78
5. Landed price of coal in Rotterdam	64.00
6. Increased freight rate as a percentage of landed price (percent)	1.24

MARKET FREIGHT RATES

The bulk shipping market on a worldwide basis is in a depressed state, and this has caused freight rates for existing vessels to be similarly depressed. Recent rates for coal shipments from Hampton Roads to Rotterdam have averaged $5.50/long ton.

Adjustments to the current depressed market condition are taking place resulting in a very high scrapping rate for bulk vessels. In the unlikely case that market freight rates for foreign ships remained at the $5.50 level and U.S. ships charged the required freight rate of $12.00, the increase in landed price would be $1.30/long ton, or an increase of only 2%.

MOST LIKELY CASE

Most forecasts of worldwide shipping predict a return to a balanced supply and demand situation in bulk shipping by 1987. At the time, the foreign ship freight rates should be back to the level of the estimated required freight rates in the first example.

Assuming that this will be the case, and remembering that the proposed legislation would only require 8% of the tonnage to be shipped in U.S. ships in 1987, the actual increase experienced by the shipper on his annual total will be $.31/long ton. This will only add a half percentage point to the landed price of the commodity, and should have little noticeable effect on his competitive position.

RATE SETTING

The inclusion in the proposed legislation of a rate setting mechanism, established by the Secretary of Transportation, limits the ship operator to a required freight rate that includes a reasonable return, and protects the shipper from unreasonable freight charges on shipments in U.S. ships required by this Act.

Such rate setting should assure the shipper that the requirement to use U.S. ships

will have a negligible effect on his competitive position in world markets.

By requiring rate setting, the shipper is not only protected from unreasonable charges for using U.S. ships, but is also insulated from having to pay exhorbitant rates for using foreign vessels during periods when world freight rates are higher than U.S. guideline rates.

The very existence of a U.S.-flag bulk fleet carrying 20% of U.S. bulk imports and exports will act as a steadying influence on the world bulk shipping market. This leverage will assure that the U.S. will never become a captive to foreign shipping, and will avoid all of the dangers associated with such dependence.

[Source: Shipbuilders Council of America]

CONGRESSMAN TONY P. HALL INTRODUCES CONVENTIONAL ARMS TRANSFER LIMITATION LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. HALL) is recognized for 10 minutes.

● Mr. HALL of Ohio. Mr. Speaker, I am taking this opportunity today to address the House on one of the most serious international issues, conventional arms transfer limitation. I also am introducing a resolution to express the sense of Congress about conventional arms transfer limitation policies.

To absolutely no one's surprise, one of the first foreign policy actions of the Reagan administration was to abandon the Carter arms transfer policy in unequivocal terms. The Reagan administration has characterized this move as replacing the Carter theology with a healthy sense of self-preservation. In so doing, the Reagan administration has argued that an arms transfer policy more firmly based on the realities of international affairs will run less risk of failure and insure the more productive and successful transfer of U.S. conventional weapons overseas. But, given the widely critical evaluation of the Nixon-Kissinger approach to arms transfers and the legacy of the Carter policy as a naive and faulty attempt at arms transfer restraint, is there any good reason to believe that the Reagan administration's "prudent policy" will fare any better?

In all likelihood, the answer is "No."

A look back at the history of arms transfers indicates that, in general, arms transferred for political reasons are just as likely to fail as they are to succeed. As a result, arms transfer policies seem destined, at best, to be weakly related to and, at worst, completely at odds with the actual arms transfer practices of an administration. Or, to put this in slightly different terms, the rhetoric of arms transfer policy and the reality of arms transfer practices have typically been at odds with one another.

This conclusion leads to three observations. First, Presidents and their administrations have found arms transfers an extremely seductive but ultimately unpredictable instrument of foreign policy. Second, for a variety of reasons, particular arms transfers and the policies upon which they are based—or, more likely made exceptions to—are frequent failures. And third, having found arms transfers attractive for symbollic political purposes and practical foreign policy activities, the Reagan administration is heading down a path that will ultimately have counterproductive foreign and domestic political consequences.

In order to avoid further policy failures, and in an attempt to rein in the burgeoning world market in arms, the United States should move to renew conventional arms transfer talks without delay. Such talks are not advocated out of some vague moralistic notion about the "evil" of arms; though arms have been used and continue to be used for clearly immoral and evil purposes. Restraint is not blindly advocated on a unilateral basis; though selective self-restraint has on occasion benefited and would continue to benefit a Nation that regards itself as a world peacemaker. Such talks are advocated with a realistic sense of the limits which face any nation that would undertake restraint in a violent world of sovereign states.

In order to make a case for arms transfer restraint—and hence for renewed arms transfer talks—some sense must first be made of the evolving international arms trade. Beyond that, any realistic attempt to renew such talks must be grounded in a thorough knowledge of the commonly advocated rationales for the transfer of arms. Since few nations openly debate their arms sales policies, and only the United States does so in the presence of reasonably accurate and comprehensive data, it is not always possible to obtain a complete picture of the arms trading world. Enough is known, however, to reopen a dialog regarding controls on the international trade in arms.

PART I—CURRENT TRENDS IN INTERNATIONAL CONVENTIONAL ARMS TRANSFERS

The international arms trade has been rather fundamentally altered during the post-World War II period. As with most impressions, this notion is rather loosely based on vague facts about who sells arms, who buys arms, and what sorts of arms are actually sold. Regardless of the source of those facts, though, most people believe that more arms are sold each year. They believe that more sophisticated arms are sold each year. And they believe that the United States sells a very large portion of those arms each year.

In most respects, these people are quite correct.

Common impressions, however, are not enough of a base upon which to build a case for conventional arms restraint. Hence, this portion of the analysis is devoted to an overview of the most current public data available on international conventional arms transfers. Five major factors in this trade are examined which represent the most salient characteristics about the contemporary international arms trading system: First, the quantity of arms sold or transferred; second, the destination of the transferred arms; third, the origin of the arms exported; fourth, the mode by which the arms are transported; and fifth, the level of sophistication of the arms exported

As a prefatory note, however, arms transfers must be placed in the context of overall military expenditures. From 1970 to 1979 world military expenditures increased from $425 billion to $521 billion in constant 1978 dollars. For developing nations this meant an increase from $73 to $119 billion.

THE QUANTITY OF ARMS TRANSFERS

By virtually all accounts, the dollar value of arms exported to developing nations in the last 8 years has fluctuated fairly dramatically from year to year. This makes any policy decision—or political argument—based upon such figures prima facie suspect. As the Congressional Research Service points out in its most recent report on arms transfers to developing nations:

> • • • the basic utility of the dollar values of arms transfer agreements is in indicating *long range trends in sales activity by arms* suppliers. • • • To use these data for purposes other than assessing *general trends* in seller/buyer activity is to risk drawing hasty conclusions that may be rapidly invalidated by events.

Thus, some caution is in order whenever data about arms transfers are discussed.

The best available data indicate that total arms agreements with developing nations remained fairly stable from 1974 to 1981. In constant 1974 dollars, the average dollar value of these agreements during the first 4 years of the period was $20 billion while during the second 4-year period it was $19.8 billion. Thus, despite, fluctuations—including especially high levels of agreements in 1980 and especially low levels in 1981—the average value of transfer agreements has remained quite stable.

Data on the total value of arms delivered to developing nations demonstrates a roughly similar pattern. Average deliveries, again, in constant 1974 dollars, for the 1974–77 period were $9.3 billion while for the 1978–81 period they averaged $13.9 billion. The upward trend during this period reflects the fact that worldwide arms export agreements increased markedly in 1973–74 while deliveries of these weapons did not occur until a few years later. Even so, the level of total

arms deliveries during the 1977-81 period is remarkably uniform.

Finally, if one examines the actual number of weapons delivered to developing nations during the 1974-81 period, much the same picture emerges. Of the 12 categories of weapons systems that can be tracked with some accuracy, only 2 have patterns that change very noticeably. The total number of submarines delivered actually declined—from 33 in the 1974-77 period to 15 in the 1978-81 period—and the total number of guided missile boats delivered increased—from 40 to 103. For the remaining categories the trends are generally quite stable. Surface-to-air missiles (SAM's) are something of an exception since both the Soviets and the United States exported unusually large numbers of SAM's in 1977 and 1979.

In sum, the aggregate level of arms transfers to developing nations during the 1974-81 period has been relatively stable. This stability, however, follows immediately on the heels of a rapid, real increase in the volume of arms transfer agreements between developed and developing nations. Hence, while the trends are fairly stable they are stable at what are arguably high levels of transfers from the arms developers to the arms consumers. Going beyond overall trends, one finds a number of interesting, and important, patterns once the available information on suppliers and consumers is examined.

MAJOR ARMS SUPPLIERS

The international arms trade—which totaled more than $120 billion in agreements between developed and developing nations from 1978 to 1981—has long been dominated by two major suppliers, the United States and the Soviet Union, and a series of lesser but nonetheless significant suppliers—France, the United Kingdom, West Germany, and Italy. Beyond these major suppliers, there are numerous additional arms exporters—some 60 countries in all today—who sell a variety of weapons on the international market.

Today, the Soviet Union is the developing world's leading arms supplier—having surpassed the United States in the late 1970's. Soviet arms agreements with developing nations totaled $33.2 billion from 1978 to 1981.

France also has established itself as a major arms supplier—with agreements in 1980 nearly equal to those of the United States—$8.7 and $9.4 billion, respectively. The level of agreements by other Western suppliers—West Germany, the United Kingdom, and Italy, have yet to rival the leaders, but they remain quite competitive. In fact, from 1978 to 1981, total agreements with developing nations by free world nations other than the United States—$45.5 billion—easily exceeded agreements with developing nations by the Soviets and by the United States—with $33.2 and $30.7 billion, respectively. Over the last 4 years, therefore, the arms trade with the developing world has actually been dominated by a group of free world nations and not by the Soviets or the United States.

If the United States is included among other free world arms exporters, then an even clearer dominance of the arms trading world becomes apparent—with total free world agreements of $76.2 billion and total Communist agreements of $44.4 billion during the 1978 to 1981 period. This seems to indicate that if nations feel ideological constraints about which nations supply them arms, Western-oriented recipients have diversified among a larger range of suppliers. As a result, today, free world nations control, share in, and compete for, the largest share of the conventional arms market—that which is oriented to Western suppliers.

The value of deliveries by major weapons suppliers mirrors the trend in agreements—again, with a lag over the first few years of the 1970's. For the United States, the value of arms deliveries increased from 1974 to 1978 before falling back in 1980 and 1981. Soviet deliveries peaked a year later than the United States and also declined in 1980 and 1981. France's deliveries peaked in 1981.

If one examines the actual number of weapons delivered by major suppliers the ascendency of the Soviets is even more pronounced. Of the 12 major categories of weapons delivered to developing nations from 1974 to 1977 the Soviets led in 5 categories, the United States led in 4, and the major Western European nations led in 3. From 1978 to 1981, the Soviets led in 9 of the 12 categories, the West Europeans in 3, the United States in none. These data indicate that the Soviets easily outstrip their rivals in exports of tanks, artillery, supersonic aircraft, and surface-to-air missiles. The European exporters have been competitive in helicopters, minor surface combatants, "other" aircraft, and submarines. Over the entire period, the United States led in APC's and armored cars, major surface combatants, subsonic combat aircraft, and other aircraft.

MAJOR ARMS RECIPIENTS

With the end of the Vietnam war and the advent of petrodollar politics the major arms importing region of the world is now the Middle East and North Africa rather than East Asia. Based on data from the Arms Control and Disarmament Agency, arms imports in the Middle East quadrupled between 1970 and 1979. Even more dramatic increases were recorded in Africa which imported less than half a billion dollars worth of arms in 1970 but over $4 billion in 1979. These increases are almost solely due to increased imports by North African nations—such as Libya—rather than sub-Saharan nations. The North African States are, of course, involved in the ongoing Middle East conflict. Meanwhile, arms imports to Latin America and to South Asia and Oceania also increased but remain at relatively modest levels.

The data clearly demonstrate that continued conflict among Middle Eastern nations, aggravated by the presence of considerable disposable wealth among the OPEC nations, is one of the root causes of the conventional arms transfer problem. Indeed, in 1979, 6 of the top 10 arms importing nations were in the Middle East. Efforts to solve the arms transfer problem may not have to begin in the Middle East, but, inevitably, they must come around to the Middle East.

THE MODE OF TRANSFER

Since passage of the Foreign Military Sales Act of 1968 and the pronouncement of the Nixon doctrine in 1969, the U.S. Government has followed a successful policy of encouraging importing nations to purchase their own weapons. The purpose of the 1968 law, and the Nixon doctrine, were to reduce U.S. foreign aid commitments, help remedy chronic balance-of-payments deficits, reduce U.S. military presence overseas, and increase the self-reliance of nations friendly to the United States. As a result, most transfers today are sales—either commercial or government to government.

The United States has developed three mechanisms to transfer weapons overseas. Through the 1960's military assistance programs (MAP) were the most common mode of transfer for the U.S. Government. These are grant-aid programs which provide military aid to foreign countries free of charge. Grant aid programs have evolved a great deal over the years and today no fewer than five different formal mechanisms exist created to provide security assistance to eligible foreign countries—including the foreign military sales financing program, the international military education and training program, the economic support fund program, the peacekeeping operations program, and MAP.

In the 1970's, a dramatic shift from grant aid toward government-to-government sales—called foreign military sales (FMS)—and commercial sales, the second and third mechanisms, was brought about to fulfill the dictates of the FMS Act of 1968 and the Nixon doctrine. Under FMS procedures, the U.S. Government is authorized to sell directly from our own weapons stocks—provided no danger to national security is present—or to order equipment directly from U.S. manufacturers. FMS procedures allow for either credit sales under the financing pro-

grams or direct cash purchases. Commercial sales became more popular in the early seventies, as a result of the dictates of the FMS Act, but seem destined to remain at low levels relative to FMS transfers for the foreseeable future. There are two reasons for this. First, Congress now requires that FMS procedures be used for any sale of major defense equipment of $25 million or more to non-NATO countries. And second, many buyers prefer to use FMS to gain the benefits of complete package acquisition, fair pricing, Government quality control, audit services, and other advantages stemming from Government participation.

FMS is easily the predominant mechanism for transferring weapons from the United States today. Most of these are straight government-to-government sales and do not involve concessionary credits by the United States—though such mechanisms do exist within FMS. Grant military aid has nearly been phased out. And commercial sales have risen lately but remain well below FMS transfers.

Relatively little is known about the details of the transfer mechanisms of the other major supplier nations. What is clear, however, is that they depend on the actual sale of their weapons either to earn valuable hard currencies for foreign exchange or in order to keep their production lines open. The Soviets do offer concessionary loans and credits to a wide variety of nations but have, according to most reports, reemphasized the acqusition of hard currency for their arms transfers in recent years. Countries such as France, Israel, Great Britain, and Italy depend on actual sales to maintain their production lines and to insure that their own unit costs remain at affordable levels. Hence, virtually all arms exporters today find it necessary to sell most of their weapons. Few nations have significant amounts of surplus equipment that they can part with cheaply. And, as more sophisticated weapons are produced, there is increasing pressure to export early in production runs in order to amortize research and development costs.

THE SOPHISTICATION OF ARMS TRANSFERS

The last major change in the character of the arms trade in the last decade involves the sophistication of the arms being transported by the major exporting countries. Two developments, the shift from aid to sales, which places buyers in a better bargaining position, and the high cost of research and development, appear to account for the increasingly sophisticated weapons which are now exported.

As previously noted, during the 1960's the United States began to pursue policies which emphasized a shift from grant-aid transfers to a sales relationship. This decline in aid transfers has altered the exporter/importer relationship, with increased weight now attending the purchasers' demands. Thus, it appears that as importing countries began to pay their own way the United States became unable or unwilling to refuse to sell its most advanced conventional arms. Moreover, with the added leverage of oil politics thrown in, the richest Middle East nations have been able to import some of the most sophisticated weapons in the U.S. inventory.

But the ability to buy has not been the only factor leading to the sale of increasingly sophisticated equipment. As R&D cost pressures have driven unit prices upward at rates unacceptable to even the two superpowers, additional markets have become attractive to even the largest manufacturers. Because of this, and complicated by the rapid rate of technological change, the world's leading arms developers are now exporting their most advanced weapons with little or no time lapse between introduction into their own arsenals and transfer abroad. Transfers of advanced French Mirage fighters and the Exocet missiles, Soviet T-72 tanks, U.S. Phoenix and Sidewinder missiles, advanced aircraft such as U.S. F-15 and F-16 fighters are prominent examples of this trend.

SUMMARY

This review of the most recent data on arms transfers leads to five major observations:

First, arms transfers increased quite dramatically during the early 1970's and then leveled off at a new but higher plateau. Hence, while overall trends are stable, the "current" data have outrun an important watershed period in arms transfers and tend to obscure that previous period of lower overall transfers.

Second, the United States and the Soviet Union are still the world's leading arms suppliers while France has solidified its position as a major arms trading nation. In aggregate, however, major free world suppliers, excluding the United States, accounted for the largest share of arms transfer agreements to developing nations from 1978 to 1981—with the Soviets and the United States ranking second and third.

Third, the Middle East is easily the major arms importing region of the world having supplanted East Asia in the early 1970's. Six of the ten top importing nations, in 1979, were in the Middle East.

Fourth, most arms transfers today are effected through sales mechanisms though substantial "concessions" are available from the two leading suppliers—the Soviets and the United States.

Fifth, some of the most sophisticated weapons available anywhere in the world are among those being transferred to developing nations. Surface-to-air missiles, supersonic aircraft, advanced tanks, and precision-guided munitions are among these.

It is important to remember that, in and of themselves, these overview data do not provide an argument for or against arms transfers. They should, instead, be viewed as context—a rough representation of current trends in the arms trade. In the end, the arms transfer debate does not hinge on trends—though trends are important elements in the ongoing debate. The discussion itself usually revolves about a series of rationales which are advanced in favor of arms transfers.

PART II—THE ARMS TRANSFER DEBATE

During the last decade the arms transfer debate, in Government and academia, has attracted a great deal of attention. At one time, scholars felt relatively free to generalize about the lack of literature on the arms transfer problem. That is no longer the case. As a result, a fairly common list of debating points has emerged. These typically focus upon the various rationales for transfering arms overseas.

To make a case favoring renewed arms transfer talks, some familiarity with the common rationales for arms transfers is important. In most cases, there has been no satisfactory resolution of the debate. And in a few cases, the debate is purely rhetorical since there is no evidence that bears on either side.

The spectrum of the arms transfer debate is bounded at its limits by two extreme positions—historical realism and rational idealism. Not surprisingly, more than a few analysts have found that the extremity represented by either of these two positions is a dangerous approach to foreign policy in general and to arms transfer policy in particular. The former leads to excessively short sighted policymaking; the latter leads to overzealous moralism or universality. With respect to arms exports, the realists argue that, in an essentially amoral and anarchic international system, a nation must use any tool at its disposal to further its foreign policy objectives. Conversely, the idealists argue that the transfer of weapons of war is a fundamentally immoral act which can only lead to the destruction of human potential.

A more realistic approach to arms transfer, and arms transfer restraint, requires the assumption that neither of these positions is intellectually supportable. Or, more simply, the position staked out by both realists and idealists precludes the possibility of making any policy choices. For realists, there is no choice involved because historical situations predetermine a nation's foreign policy—and therefore the nature of its responses to the international system. If arms can be transported, and they serve some pragmatic purpose, they will be transferred. For idealists, at the extreme, choice is re-

moved simply because the transfer of weapons violates a moral imperative. Thus, there is no decision to be made—arms are just not to be exported.

Once these absolutist positions are abandoned, policymakers are faced with the practical problem of how to treat arms transfers within the foreign policy framework. In so doing, criteria must be developed upon which to base transfer decisions. As noted, a fairly large number of these have evolved in the last decade. Ten of these—grouped into political, military/security, and economic categories—are examined below.

1. POLITICAL RATIONALES

The first group of rationales, favoring arms transfers, is political. These arguments are based primarily upon the effect of transferred arms on the relationship between the suppliers and those to whom arms are exported. Four major arguments are included in this category.

A. INFLUENCE

Arms transfers give the supplier country influence or leverage over the recipient nation. While influence may result from the transfer of arms on some occasions there is abundant evidence to indicate that such influence is, at best, haphazard. For a variety of reasons, arms transfers are likely to create only an imperfect bond between countries. Even if the transfer is virtually their only contact, too many additional factors influence nations' actions for a single transfer to be determinative.

In most cases arms are part of an exchange relationship between two nations. Hence, any subsequent demands or attempts at influence are likely to be resented by the recipient. For example, Turkish authorities generally believed that an exchange had taken place between themselves and the U.S. Government—an exchange of bases for U.S. weapons. In 1975, when the United States tried to use weapons transfers as a lever to force Turkey to withdraw its troops from Cyprus the Turkish Government considered this offensive. In essence, Turkey viewed the demands by the United States as blackmail. And, rather than be forced to remove troops from Cyprus, an issue viewed as completely separate from the bases agreement with the United States despite the fact that U.S. weapons were used on Cyprus, permission for U.S. use of the bases was withdrawn.

Because of evolution in the arms trading system in recent years it may be argued that arms are of even less influence today than in years past. As the transfer mechanism has shifted from aid to trade most nations have come to feel that they have paid for their weapons and, as sovereign nations, are free to use them as they see fit. Moreover, even where some strings could be attached to transfers, an increasingly interdependent world limits the extent to which countries like the United States can dictate the policies of client nations. The most prominent example, of course, is that of transfers to OPEC nations which, after all, also have the capacity to influence the arms suppliers.

It may well be, therefore, that there is as much reverse influence as there is positive influence between supplier and client. The Soviets, for example, have often overlooked the fact that their clients suppress indigenous communists parties. As for the United States on more than one occasion—in Turkey, and Morocco, for example—it has been forced to sit idly by and watch its clients use American weapons in possible contravention of agreements signed with the United States prior to the transfer of weapons. In theory, the supplier is supposed to be able to threaten its clients with a cutoff of further arms or with a cutoff of spare parts. In practice such threats are rarely tendered. Part of the reasons for this is that a great deal of modern military action does not hinge on immediate resupply. But even when it does, the supplier is often too deeply involved (and often otherwise dependent upon) the client to carry out such threats. Moreover, alternative sources of supply now take some of the sting out of such threats as many arms importing nations move to diversify their sources of supply.

B. REGIME STABILITY

Arms transfers can politically benefit a nation by stabilizing friendly regimes. U.S. experience in Vietnam and Iran and Soviet experience in Indonesia offer ample proof of the weakness of this argument. Despite vast amounts of resources the United States was unable to stabilize the regimes in either South Vietnam or in Iran. Worse yet, U.S. identity with and commitment to the South Vietnamese ultimately entangled the United States in a lengthy war. Such failures are futher compounded by the fact that subsequent regimes—Egypt, Ethiopia, Indonesia, Iran, and Vietnam are all examples—almost invariably turn on their former suppliers. But even when they do not, as has been the case for numerous U.S.-backed regimes in South America, the granting or selling of arms does not seem to guarantee that subsequent regimes will be any more stable than their predecessors.

C. POLITICAL TIES

Arms transfers, because they need subsequent support, tend to foster closer political ties between suppliers and clients. While on the surface this argument seems to make some sense, most nations fully realize that suppliers wish to create such dependencies. As a result they tend to diversify their arms purchases as much as possible. Moreover, from the suppliers' perspective, arms transfers do not generally establish ties to the people of a country, the way that of a regime change, the ties have been removed and only resent remains.

It is also argued that arms transfers will, as a result of political ties, help to bring a client nation around to the political orientation of the suppliers. Yet there is little evidence for this. On the contrary it seems that nations seeking arms will seek them from suppliers that reflect their own orientation.

D. SYMBOLISM

Arms transfers are a symbol of supplier support for its friends and opposition to its enemies. Because arms are a visible, instrument of foreign policy, they are viewed as having symbolic utility. This rationale is dangerous because it leads to a scorekeeping mentality toward arms transfers. That is, the nation with the most clients is obviously the most popular and dependable. Unfortunately, this also leads to subsequent problems when two countries supplied by the same nation—in whole or in part—go to war. U.S. experience in the Indo-Parkistani wars, in the Falklands crisis, and in the Middle East demonstrates this point. It is simply impossible to be everyone's ally. And, should two client states go to war the supplier, especially if the arms transferred were intended to create political bonds, will suffer either the embarrassment, and subsequent diplomatic damage, of having to take sides or risk being branded hypocritical for arming both sides in a war.

Thus, if arms are useful symbols of political support, they should be used all the more carefully—and sparingly. For example, of what symbolic utility is the fact that the United States has supported 28 of the 41 military-dominated governments in the world with records of violating citizens' rights?

In sum, of the major political arguments favoring arms transfers only their utility as symbols of American support carries much weight. Unfortunately, the United States has been less than careful about who buys arms. The Center for Defense Information, for example, has noted that the United States sold weapons to 96 of the 161 nations in the world in 1981. The symbolic message in this seems to be that the United States will sell arms to almost anyone. During the Carter administration, a concerted effort was made to avoid selling arms to repressive regimes. While that policy was implemented in an uneven fashion it was an instance of an attempt to reinforce an international reputation for U.S. support of democratic principles. To date the Reagan administration has shown little inclination to follow suit.

2. MILITARY/SECURITY RATIONALES

While three distinct arguments can be identified under the rubric of mili-

tary/security rationales, they all boil down to the question of whether arms transfers increase or decrease the security of suppliers and consumers. For proponents of increased sales a limit on arms transfers is naive and self-destructive. They feel arms control advocates would gamble away security in an attempt to secure meaningless guarantees of human rights or other moral victories. For opponents of arms sales, almost any transfer is bound to precipitate a regional arms race, U.S. entanglements and ultimately, participation in local wars. They feel that arms transfer advocates overstate the security needs of virtually all nations in order to achieve illusory gains in security or, more basely, to make money. Neither group differentiates among the myriad interests which are often conditional and inconsistent for suppliers and consumers. One thing seems clear, security interests need to be carefully weighed prior to transferring arms. Unfortunately, the weighing of such interests is extremely difficult.

A. REGIONAL SECURITY

Arms transfers contribute to regional security by ensuring a balance of force among potentially contending nations. This rationale is almot impossible to prove—either in the positive or the negative form—because it assumes that nations behave rationally. It also tends to assume that an objective assessment of capabilities can be determined by counting weapons alone while not carefully considering either the motives or perceptions of the contending nations.

Balances of power, it must be remembered, refer to the strengths and weaknesses of various nations relative to each other. Thus, one region may be balanced at high levels of capability—Europe, while other regions may be balanced at fairly low levels of capability—sub-Saharan Africa.

For a long period of time U.S. restraint in selling advanced weapons to Latin America contributed to an overall balance of power in that region. Once that balance was pereceived to have been tipped the constraints no longer held. Today, Latin American nations are proceeding to break out of that balance—each claiming to be in the process of restoring it based upon its own security needs. Peru has diversified its suppliers. The French and Israelis are trying to sell advanced aircraft in the region. Brazil is developing its own arms industry. And, the United States is selling F-16's to Venezuela.

The experience of the United States with increasing its security through arms transfers is checkered at best. Attempts to stabilize Southeast Asia, based on the domino theory, failed. Attempts to shore up Iran as a bastion against Soviet aggression in the Middle East failed—and led indirectly to subsequent fighting between Iran and Iraq. U.S. proposals to arm Pakistan in response to the Soviet occupation of Afghanistan were met by threats from Indira Ghandi to increase the defense capabilities of her country commensurately. Hence, in most cases, the transfer of arms to one nation leads its potential foes—and in some cases its allies—to attempt to reestablish the status quo ante.

It is also argued that arms transfer restraint will not stop nations intent on war from going to war. But then the opposite must also be true. Supplying arms to nations intent on war will not stop them from going to war. And it is also true that such wars, fought without arms from major contending suppliers, are likely to attract less attention as proxy actions which are outgrowths of East/West competition.

B. BURDEN SHARING

Arms transfers contribute to supplier security by proxy when allied nations increase their capabilities to oppose common foes. This rationale is true by definition. The problem is that, for the most part, proxies never actually have to defend themselves against the common foe. When they do, as is the case in Afghanistan, no amount of supplies would allow them to defend themselves in the absence of determined additional support from the supplier. More typically, proxies tend to fight proxies with weapons of politically opposed suppliers; that is, the United States and the Soviets.

Iran did not have to fight against the Soviets; it fought with the Soviet's ally, Iraq. Turkey and Greece did not have to fight with the Soviets; they fought, indirectly, with each other over Cyprus. India and Pakistan did not fight the Soviets; they fought each other with U.S. equipment.

In Europe, where a clear-cut peacetime military alliance exists in NATO, a strong case can be made that shared responsibilities increase the joint security of suppliers and consumers. But the further one gets from such clear-cut conflicts—geographically, temporarily, or politically—the more difficult it becomes to sustain the argument of shared security. Several years ago, few would have argued with the notion that Iran would have proved an invaluable ally in the event of war. But what are the costs of maintaining that capability? In Iran, and in Vietnam, the costs were considerable, and the rewards nonexistent.

For joint security to hold sway where arms transfers are concerned, there must be relatively little chance that transferred weapons will be used for other purposes—against other nations that is. This does not mean that arms should not be transferred unless such conditions exist, only that joint security seems to apply to a limited set of circumstances.

C. TRANSIT RIGHTS, ACCESS, AND SUPPLIES

Arms transfers increase supplier nations' security by insuring overflight and landing rights, bases, and access to forward facilities and supplies through standardization. This rationale is sound but of limited value. Base rights, overflight authority, and landing rights can be quite valuable to supplier nations and can enhance security. But such rights and access can also be withdrawn quickly—as was shown in Turkey in 1975. Also, base rights and access are typically negotiated on the basis of some known or plausible future threat. The United States negotiates base rights in Turkey, Greece, or Spain in order to advance its ability to counter Soviet capabilities. Yet these forms of access can be withdrawn when unforeseen contingencies arise—the Iranian rescue mission, resupply of Israeli war efforts, or pressure on Turkey to withdraw from Cyprus.

The argument favoring forward supplies—because of standardization—and facilities is also highly contingent. It assumes that spares, facilities, and supplies will be available under a wide variety of conditions. Moreover, it assumes that the amount of spares and facilities would be sufficient. Yet, it is extremely dubious that any responsible military planner would depend upon the existence and availability of such supplies or facilities. What's more, in most cases arms are shifted in quite limited numbers with necessarily limited spares. Hence, any given facility would be of relatively little use. This does not hold for base rights in major NATO countries, of course, where facilities and prepositioned supplies are purposely provided for U.S. use.

Again, this argument is persuasive to a degree. But it depends upon the use of spares, facilities, and bases in known or forseeable circumstances. Unfortunately, the exact nature and form of future conflicts is never known. This makes contingency planning based upon the supposed availability of bases and supplies risky business. At best, such bases and supplies are of potential use to resourceful leaders in a time of crisis. Only in clear-cut exchanges, arms for base rights in Spain, for example, should such a rationale hold sway.

In sum, most rationales favoring arms transfers for security reasons are highly contingent on assumptions about the most likely threats to the security of the supplier. And yet, actual outbreaks of hostility have proved very difficult to foresee. Security rationales for arms transfers tend to focus on likely scenarios while transferred arms tend to be used in unlikely (and too often politically and militarily) damaging scenarios.

3. ECONOMIC RATIONALES

Economic rationales are among the most frequently cited supportive arguments advanced in favor of arms transfers. In its simplest form this argument is rendered as follows: "If we don't sell, somebody else will." The logic being that, since arms will be sold anyway, why should we suffer the economic loss of not being the seller? Such simplistic arguments are damaging for at least two reasons. First, they ignore the fact that arms transfers are not simply products and that when arms are transferred there are other political and military costs and benefits. And second, even on economic grounds, the sale of arms is a complex matter with effects that are not always easy to identify.

Economic rationales are commonly examined from the suppliers' perspective, although critics of arms transfers are quick to point out that spending on arms is a misuse of developing nations' resources. On occasion, however, it is argued that arms transfers encourage economic development. Hence, this rationale will also be examined.

A. BALANCE OF PAYMENTS

Arms transfers benefit the supplier by reducing deficits or increasing surpluses in the balance of payments. This is a complex question which, in its simplest form, is irrefutable. In the short-term arms transfers, assuming they are straight sales, bring in money. But, in the short term, it may well be that arms purchases will preclude spending on other goods—especially if a country has foreign exchange constraints. In the long term, increasing exports will force an appreciation of the currency which, in turn, will dampen demand for other exports. Thus, it may well be that, despite apparent short term gains, the balance of payments is helped relatively little by arms exports.

This leads to several criticisms of the balance of payments argument. First, since arms constitute only a minor part of all the major suppliers exports they can have only limited effects on the balance of payments in any event. Second, since all goods produce the same balance of payments effects when exported, pushing arms only or largely for this reason cynically equates arms with other domestic products. And, third, since all arms sales have the same effect all sales become equally valuable according to this rationale—leaving no way to distinguish among various sales.

B. UNIT COSTS, R&D RECOUPMENT, PRODUCTION RUNS

Arms transfers benefit the supplier by lowering unit costs, recouping R&D costs, increasing learning curve effects, and lengthening or smoothing production runs. This group of benefits is derived largely from the economic principle that savings will result from longer production runs. Workers get better at their jobs. R&D costs can be amortized over a larger number of units. Economies of scale are achieved. And, potentially vital production lines are kept open with foreign sales.

A 1976 study by CBO estimated that $8 billion in foreign military sales, in a fiscal year, would result in savings of $560 million to the United States—less than 1 percent of defense outlays. According to CBO, savings are most likely to occur on newly developed highly sophisticated weapons. This means that the United States could realize fairly substantial savings, 14 percent on procurement and 4 percent on R&D, but only on about 40 to 45 percent of its sales—the portion accounted for by items such as aircraft and missiles. For the French and British savings would be higher since they export 50 to 60 percent of the high-technology items they produce.

As with unemployment, the economic effects of longer production runs are highly sector specific; a relatively few companies account for a high proportion of foreign sales. In the United States, foreign military sales represent only about 15 to 20 percent of total defense industry output. Again, for French and British companies—and the defense sector as a whole—exports are a much larger portion of total production.

Finally, while there is some logic to keeping production lines open, there is considerable disagreement about how important it is to keep them open. In the event of a short war added production capabilities are irrelevant; only existing defense stocks are of any use. Hence, production lines are only important where long war scenarios are concerned or where the ability to divert current production to resupply efforts of allies without serious damage—drawdowns—on existing stock is needed. Moreover, exports do not necessarily keep lines open. Instead, they may simply increase the level of output for a given period of time. This is especially true when first-line equipment is being exported. Apparently only the Soviets have the luxury, or are willing to bear the costs, of keeping open production lines solely for export purposes—as they do with some older tanks and the Mig-21.

RECIPIENT DEVELOPMENT

Arms transfers contribute to recipient nation economic development by building infrastructure and through the spillover effects of increased education levels among the armed forces. This argument is not generally offered by supplier nations but recipients sometimes argue that effective, well equipped, well trained armed forces symbolize progress at the very least and, more often, that training programs have spillover effects on the civilian population.

There is very little systematic evidence to support this argument. On the contrary, it is more likely the case that high technology transfers soak up funds in capital intensive efforts to arm which could pay off in development if used in more labor intensive industries. Moreover, rather than spilling over to the civilian population, higher education levels often isolate the armed forces from the population. This leads to two additional, related, problems.

First, coproduction probably has relatively few spinoff benefits for the recipient country. Coproduction increases the price of the weapons purchased; it rarely leads to significant manufacturing capabilities; and it tends to drain funds from development projects with broader benefits to the population. It should be noted that, in most cases, only relatively simple arms are actually coproduced. For advanced weapons such as aircraft most countries can handle only coassembly—which involves only the assembly of imported pieces—or, at most, the fabrication of a limited number of parts. Korean coproduction of F-5's is a good example of this relatively limited capability.

And second, modern weapons may very well overtax the ability of recipients to absorb new technology—the so-called backend problem. This in turn may actually reduce the defense capabilities of a nation while occupying resources in an effort to train personnel.

For developing nations the import of sophisticated arms is economically taxing. Indeed, as some have argued, a very high proportion of available import capacity of some developing nations—Egypt, Syria, South Korea, Turkey, and Libya, for example—is absorbed largely by military related activities. Such technologies cost more to purchase and they cost more to maintain. In all likelihood, they contribute only narrowly to development. And, where coproduction is concerned—even though oppposed by most arms companies—the hope of developing indigenous arms manufacturing capabilities is a false hope.

In sum, the range of economic rationales favoring arms transfers typically operates in isolation from the overall economic context. In such isolation, these arguments are relatively compelling—assuming one is willing to sell arms either to make money or to save money. But examined closely these arguments lose much of their appeal. No doubt, there are real economic benefits to be derived from the sale of arms. But even so, the available evidence indicates that the benefits, especially at the margin, are rather limited.

SUMMARY

As noted there is relatively little agreement on any of the major ration-

ales for arms transfers. Arguments and counterarguments abound.

It should also be noted that standing policy on arms transfers—whether in the Carter or Reagan administrations—mandates the consideration of a variety of criteria before transferring arms. The difference in the two administrations, however, is far from insignificant. It is not too much of a simplification to say that where the Carter administration placed the burden of proof on those who would transfer weapons, the Reagan administration places the burden of proof on those who would restrain weapons transfers.

PART III—DEVELOPING SOLUTIONS: A REALISTIC APPROACH TO CONVENTIONAL ARMS RESTRAINT

An examination of current trends in the transfer of conventional araments and the common rationales set forth in favor of these transfers indicates that renewed arms transfer talks will be an extremely difficult yet worthwhile endeavor. They will be difficult because there are formidable barriers to overcome before talks can be renewed. But they will be worthwhile because the patient, pragmatic pursuit of such talks holds out the prospect of tangible gains in worldwide peace and security.

To date, the Reagan administration has paid only lip service to renewed conventional arms transfer talks while estimating that over $25 billion in new sales agreements would be made in fiscal year 1982. Were such a level of sales to be completed, they would far exceed any previous level of sales by the United States in a single year. Hence, the first barrier, and perhaps the most troublesome, is to overcome the current administration's reluctance to pursue further talks. Only by surmounting that barrier can the other roadblocks to serious restraint initiatives be reached.

Ultimately, it must be recognized, the goal of arms transfer restraint is an ideal. No matter how honorable, the rash and quixotic pursuit of such an ideal can have negative consequences. Thus, it is with a firm sense of pragmatism and of the limits on the potential for any near-term achievement that these proposals are set forth.

PAST RESTRAINT EFFORTS

Despite longstanding concerns over the international transfer of armaments there are relatively few precedents upon which to build new initiatives. From 1925 until 1938 the League of Nations published statistics on the international arms trade. In 1965, 1967, 1970, and 1976 proposals by various nations were forwarded that attempted to renew the statistical effort abandoned in 1938. In each of these cases, the proposals foundered because few nations were willing to publish import/export information. Moreover, there is little evidence to indicate that merely publishing information leads to restraint. Even so, the widespread dissemination of such information may lead to public pressure for restraint. Hence, opportunities to provide more complete and accurate data on the arms trade should not be ignored.

One of the most interesting recent attempts at arms transfer restraints is the Declaration of Ayacucho of 1974. In this declaration eight Andean nations agreed to attempt to "create conditions" where a freeze on the acquisition of new offensive weapons could occur. While subsequent discussions ultimately failed to produce a lasting freeze, the effort demonstrated that there may be some room for regional constraints if the parties can be encouraged to enter into meaningful discussions. In this particular instance, Brazil, the largest Latin American arms producer, did not participate. And, more recently, supplier competition in the region has proved too tempting for Ecuador, Peru, Guatemala, Venezuela, and other nations to resist. Still, the Ayacucho agreement was an important—if limited—first step. Most observers agree, however, that without cooperation from suppliers, restraint agreements among recipients will remain too fragile to succeed.

Occasionally, multilateral embargoes have been used to restrict transfers to particular regions or nations—usually during periods of hostility. A limited embargo on arms shipments to China existed in 1919, but quickly fell apart. In 1934, at the outset of the Chaco war, an embargo by more than 30 nations was placed on arms transfers to Bolivia and Paraguay. Similar efforts were advanced during the Italo-Ethiopian conflict in 1935 and the Spanish Civil War though, again, with fairly limited success. In one further example, France, Britain, and the United States were able to exercise some control over arms shipments to the Middle East. But these efforts were ultimately undermined when the Soviets began arms shipments to Egypt—an occurrence which underscores the importance of dampening East-West competition if arms restraints are ever to be truly effective.

The most recent attempt at conventional arms transfer restraint occurred during the Carter administration. The Conventional Arms Transfer (CAT) talks between the United States and the Soviet Union now provide an important precedent for future efforts—though there are both positive and negative lessons to be learned from them. This discussion will focus primarily upon what might be learned from the talks.

First, on the negative side, the CAT talks demonstrate that finding common ground for agreement between the United States and the Soviet Union is no easy matter. Given the complex nature of the great power relationship, arms transfers cannot be negotiated in isolation from other aspects of the relationship. In this instance, normalization of relations with China led the Carter administration to restrict the maneuvering room of the delegation in Mexico City during the fourth round of the talks. In retrospects, it appears that the Carter people could have been more accommodating—although given the sensitive nature of the dealings with China we may never know for sure.

The Carter effort also provides a renewed warning that bureaucratic politics will always influence negotiations. In this case, a fairly fundamental difference in perspective developed between the Arms Control and Disarmament Agency and other participants. ACDA, following its institutional mission, apparently viewed the talks as a technical arms control exercise, while other participants viewed the talks in more political terms—wishing to link arms transfers to Soviet behavior in the developing world. This "schizophrenia" may well have done more damage to the talks than anything else.

Another, negative lesson to be drawn from the talks involves other participants. Despite explicitly stating that arms transfer restraint would require a multilateral effort, the Carter administration did not move aggressively to push the allies toward a dialog on restraint once the CAT talks began. The allies had, of course, been skeptical about restraint talks. But they seem to have taken enough of a "show me" attitude that they would have been partially open to overtures once the Soviet-United States talks were underway. The administration may have felt, quite understandably, that talks with the Soviets had not progressed quite far enough. But even so, the allies were, in effect, allowed off the hook. An immediate parallel effort may have given the administration something to fall back upon, while leaving the dialog with the Soviets on hold, rather than forcing an end to the entire effort. Also, had a parallel effort been underway a more solidly based Western position might have resulted—one more resistant to bureaucratic infighting.

On the positive side, the CAT talks with the Soviets proceeded further than most observers ever thought possible. At a minimum, this supports the argument that such talks are always worth a try. Beyond this, however, the talks offer some evidence that there is room for meaningful negotiations between the United States and the Soviets. Most reports have indicated that demonstrable progress had been made in the talks prior to the abortive, fourth meeting in Mexico City.

A second positive lesson is that the talks demonstrate that there may be room for some reasonably specific restraints on certain classes of weapons—those useful to terrorists and surface-to-surface missiles, for example. This means that guidelines on transfers of some advanced equipment or perhaps on the first introduction of advanced equipment might be topics for serious discussion. At the very least, this would help to create a more coherent understanding of how to classify and compare various types of weapons.

Third, despite the fact that it ultimately undermined the effort, U.S. insistence that specific regions be discussed early on was not flatly rejected by the Soviet negotiators. Because of widely recognized regional peculiarities such a focus will be necessary in future talks as well. Hence, Soviet willingness to broach regional issues is a good sign. In fact, if some limited global restraints can be negotiated, the next step may well be to negotiate similarly limited but mutually acceptable restraints at the regional level. Such a step will almost certainly require broader participation in the talks by other major suppliers.

Finally, the CAT talks demonstrate that arms transfer restraints require agressive leadership. The Western allies have too little incentive to take on this leadership role. And, to date, the Soviets have proved reactive rather than active where arms control initiatives are concerned. In the case of the CAT talks, an aggressive strategy paid off—at least to a limited degree. Future arms will, no doubt, require a similarly aggressive leadership role.

In sum, while the negotiations between the United States and Soviets ultimately foundered they produced some hopeful signs that—carefully pursued—there is common ground for discussions. But the talks also demonstrate the tremendous complexity of such negotiations, the need to take things one step at a time, and the need to avoid a single-track bilateral strategy to the exclusion of other efforts.

ARMS RESTRAINT: A MULTITRACK APPROACH

As the CAT talks have demonstrated, success in restraining conventional arms transfers will be neither easy nor immediate. But the talks also show us that without aggressive leadership even gradual progress will elude us. Hence, the approach suggested here is intended to be aggressive but gradual—making gains where possible, but keeping up the pressure to continue a productive international dialog. In order to avoid complete collapse, a multitrack approach is set forward here so that if one track is stalled progress might still be made in another forum.

Four identifiable tracks, each with distinct advantages and disadvantages, would comprise this overall strategy. A selective self-restraint track would involve continued restraint on the part of the United States. A bilateral track would involve the Soviets and the United States in a renewed dialog. And two multilateral tracks would take place, in a Western context and in a more broadbased forum such as the Committee on Disarmament in Geneva.

THE SELF-RESTRAINT TRACK

Self-restraint on the part of the United States was among the most widely criticized aspects of the Carter arms transfer policy. For many, this aspect of the policy symbolized a fundamental naivete on the part of the administration regarding the nature of the international system.

Despite this criticism, the United States should not simply abandon self-restraint. Instead, such restraint should be used to support a broader effort at control of the international arms trade. Used carefully, a measure of self-restraint can signal continued willingness to engage in meaningful negotiations. Moreover, as some analysts have noted, such restraints may encourage reciprocal action by other suppliers—creating tacit multilateral agreements where explicit negotiations are not possible. Mutual restraint of this sort is not without precedent, having occurred between the Soviets and the United States during both the Vietnam and Korean wars.

Furthermore, the United States has an interest in self-restraint—as do many other nations—when it supports general policy principles. Human rights, economic development, and other general principles supported by the United States are important components in the fabric of U.S. diplomacy. Backing up those principles with the refusal to transfer arms keeps the United States from being entrapped by "double standards." One of the successes of the Carter administration despite much criticism to the contrary, was that military aid and support for democratic principles were brought more fully into line with one another. The Reagan administration must be judged to have backtracked on this progress—however limited it may have been.

In using selective self-restraint, caution is in order on several fronts. While restraint is good symbolically, care must be taken not to open the door for alternative suppliers of more sophisticated weapons to step into the vacuum. While restraint may encourage mutual, tacit responses, it must be kept in mind that such responses are never durable agreements. Care must also be taken to avoid misperception where mutual restraint is involved. By nature, tacit agreements are prone to misinterpretation due to lack of direct contact. Finally, self-restraint can be taken so far that other nations have no incentive to bargain. Clearly, if other countries see that they are aready being given what they want, then negotiations become pointless.

At the very least, selective self-restraint can play an important, if limited, part in the initial stages of a larger effort to encourage conventional arms control and also allow a nation to refuse to transfer weapons on grounds of general principle. But they should be seen as a limited, and largely symbolic, supportive track rather than as a primary means of encouraging arms control.

BILATERAL TALKS

The limited progress made in talks with the Soviets should encourage a continued effort along these same lines—although renewal may have to await some thaw in United States-Soviet relations.

Because of the dominant position held by the United States and Soviets meaningful progress cannot be made without participation by both parties. In addition, the United States and Soviets may be able to reach agreement on a few weapons which they alone can transfer—advanced surface-to-surface missiles and a few other advanced "smart" weapons.

The most important reason for a continued United States-Soviet dialog, however, is that regional arms races are most often a direct result of United States-Soviet competition. The attempt to win friends or to compete through proxies has been a dangerous and destabilizing dimension of superpower competition. And, it has had unfortunate ancillary effects on existing regional conflicts. This is particularly true in the Middle East where there is always a danger that local conflicts will escalate to a point that would include the superpowers. Hence, the United States and the Soviet Union have an ongoing interest in regulating their competition in a direct fashion. The CAT talks held out some hope that progress could be made in this direction. Therefore, it would be foolhardy to abandon it completely at this point.

MULTILATERAL APPROACHES—THE WESTERN TRACK

While bilateral talks between the Soviets and United States are necessary if long-term progress on arms restraint is to be realized, the most immediate goal should be to encourage multilateral initiatives. At this point the Western European allies remain quite skeptical about prospects for such talks. Even so, prospects for arms restraint could be advanced if an appropriate mechanism could be created as a forum for preliminary discussions.

First, in concert, the major Western suppliers still deliver a majority of the weapons traded in the international

system. Moreover, they are more often in direct competition with one another than are Eastern and Western suppliers. Cross-bloc supply patterns still remain relatively rare, that is. It makes sense, therefore, for some coordination to take place among the Western suppliers since a joint effort on their part would limit the ability of Western-oriented recipients to shop elsewhere.

Second, if some sort of market-sharing approach could be arranged, then the current disincentives for France and British participation might be overcome. Such an approach could begin by recognizing French and British interests in continued production of certain weapons systems. For example, French supersonic aircraft and helicopters and some types of British missiles or surface ships could be given assurances of adequate export outlets. This would have the dual benefit of bringing important suppliers into the restraint framework while reenforcing common security interests. A preliminary goal could be an effort to reach consensus among Western supplies on sales of highly advanced or sophisticated weapons to particular regions.

And, third, a restraint regime with an appropriate attendant mechanism could also serve a function during times of crisis. A fragmented allied response to the 1973 war in the Middle East and the recent Falklands crisis are good examples of cases where such a mechanism might have proved valuable. Even if a coordinated response had proved impossible, which seems likely in the case of the 1973 war, the advantages of exchanging information on arms transfers during a crisis could prove invaluable. As for the Falklands crisis, allied responses could have benefited from greater coordination throughout the confrontation even though some formal "Brussels channels" and extensive bilateral communications took place. Indeed, many analysts believe that a golden opportunity was missed to create some form of consultative mechanism during that brief conflict.

All in all, this Western alliance approach embraces some of the toughest challenges and, potentially, some of the biggest rewards. A joint restraint, or joint export, policy will be difficult because currently the West Europeans are the most direct competitors of the United States. But reducing competition would allow greater attention to be focused upon common security concerns—an advantage now realized by the Eastern bloc nations to the detriment of the West. Initially, this avenue might proceed without formal agreements in order to accustom the participants to a new coordinating mechanism. Hopefully, it would proceed to more formal agreements at later stage.

MULTILATERAL APPROACHES—THE GENEVA TRACK

The fourth track that should be pursued as part of any new restraint initiative focuses upon the Committee on Disarmament at Geneva. The Committee—more formally called the Conference of the Committee on Disarmament—was created in 1962 as a multilateral forum for negotiations on disarmament. It reports to and is instructed by the U.N. General Assembly. And its membership includes nations of both Eastern and Western blocs as well as a number of nonalined nations. Thus, it is a truly multilateral forum and has been the site of discussions on general disarmament, nuclear testing, demilitarization of the seabeds, chemical and biological weapons, and humanitarian laws.

Though talks in such a forum would be slow and necessarily somewhat diffuse due to the large number of participants, a dialog between suppliers and recipients needs to be encouraged. Several advantages might be derived from such a dialog.

First, a better understanding of the legitimate defense needs of developing nations could be a primary target. Arms transfer restraint proposals too often lack sensitivity to this issue. A frank exchange of views might help to clear the air.

Second, some initial gains might be achieved by focusing on weapons useful to terrorists. This focus might defuse the more contentious aspects of such a dialog by focusing on common problems. At the same time a structure for more serious ongoing debate could be under development.

Third, such a forum might be able to discuss the outlines for an internationally recognized code of principles regarding legitimate arms transfer practices. Such an approach might be modeled after discussions of internationally recognized standards of human rights. While such an approach would be generally symbolic—and certainly lacking in enforcement mechanisms—it would begin to establish a common grounds for discussion.

And, fourth, such a forum might begin to serve as a vehicle for differentiating among various regional interests and concerns, although more productive talks might be focused within existing regional organizations such as the Organization of American States.

Again, this very broad multilateral approach would almost certainly be rather diffuse. But it will be important in the future to encourage a supplier/recipient dialog. The Committee on Disarmament offers a preexisting forum with which members of the international community have had some experience. Thus, it presents less of a barrier so far as institution building is concerned. Also, it is less immediately identified with U.S. interests.

SUMMARY

To reiterate, the proposal offered here is intended to foster a concerted, broad-based effort on several tracks. The multitrack approach is offered in recognition of the complexity of the international arms transfer network. Regional differences, bloc competition, economic considerations, and security needs are but a few of the factors which make restraint very difficult to accommodate within a single negotiating framework.

Even so, lack of previous success is no excuse for failure to try again in the future. Complex problems require patience, and it is hoped that future efforts will be guided by the lessons of previous attempts at restraint. The only naive approach is one that is blind to the mistakes of the past.

Mr. Speaker, for the benefit of my colleagues, the text of the resolution I am introducing follows:

H.J. RES. 128

Joint resolution with respect to conventional arms transfer limitations

Whereas developing nations allocated $119 billion in 1979 for military spending;

Whereas during the last four years, conventional arms transfer agreements between developing nations and arms supplying nations totaled $120.6 billion, with agreements by free world nations totaling $76.2 billion and agreements by Communist nations totaling $44.4 billions;

Whereas during this four year period, conventional arms transfer agreements with developing nations by free world nations other than the United States totaled $45.5 billion, agreements by the Soviet Union totaled $33.2 billion, and agreements by the United States totaled $30.7 billion;

Whereas some developing nations have established their own armaments industries and are becoming arms exporters;

Whereas conventional arms transfers contribute to regional instability and facilitate the use of force to resolve conflicts;

Whereas sophisticated new weapons are among the arms being transferred to developing nations;

Whereas the acquisition of sophisticated weapons by developing nations encourages regional arms races and upsets balances of power;

Whereas the use of sophisticated weapons to settle disputes by force threatens to expand such conflicts;

Whereas the use of sophisticated weapons to settle disputes by force increases the possibility that nuclear weapons might be used;

Whereas conventional arms sales have become an arena for competition in the developing world between free world and Communist nations; and

Whereas expenditures for conventional arms by the developing world should be redirected toward economic development and the fulfillment of human needs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) the United States should reaffirm a commitment to the self-restraint it has demonstrated with respect to selective conventional arms transfers to developing nations and a commitment to qualitative guidelines for conventional arms transfers.

(b) The United States and the Soviet Union should immediately begin negotiations to resume the Conventional Arms Transfer talks.

(c) The United States should immediately begin discussions with the free world arms supplying nations to limit conventional arms transfers to developing nations and to establish qualitative guidelines for conventional arms transfers.

(d) The United States should immediately, through the Committee on Disarmament in Geneva or through some other appropriate international forum, begin conventional arms transfer discussions between nations selling conventional weapons and nations purchasing such weapons to limit such arms transfers.

(e) The President shall report to the Congress every six months on the actions taken by the United States in accordance with this resolution and the progress being made toward achievement of the objectives expressed in this resolution.●

NANCY HANKS

(Mr. YATES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. YATES. Mr. Speaker, when word came last month that Nancy Hanks had died, in New York, I was struck with a profound sadness and regret. Her lengthy battle against cancer was known to only a few of us, and the recognition of her heroism in that silent struggle made all the more poignant the crusade she so zealously pursued in public, that of the establishment of a Federal responsibility to encourage and nurture the arts throughout the country. As staff director of the seminal Rockefeller Panel Report of 1965 on the future of theatre, dance, and music in America, and as Chairman of the National Endowment for the Arts from 1969 through 1977, Nancy set the course for a Federal policy which would benefit tens of thousands of artists, and through them, millions of Americans.

Nancy's wisdom and effectiveness with administrations and Congresses, Republicans and Democrats, was unmatched. As chairman of the appropriations subcommittee responsible for the NEA budget, I occasionally disagreed with Nancy on details of policy, but never over our mutual goals. She is a friend all of us will dearly miss.

On Wednesday, February 2, 1983, the House passed S. 61, designating a Nancy Hanks Center at the Old Post Office Building in Washington. That same day, a memorial service was held for Nancy at the National Cathedral. One of the most eloquent tributes was given by Geraldine Stutz, who served on the National Council of Arts when Nancy was chairman. Her tribute, sensitive and perceptive, captured Nancy's lovely spirit. I am privileged to attached Miss Stutz' eulogy for Members of the Congress:

EULOGY BY GERALDINE STUTZ AT NANCY HANKS MEMORIAL SERVICE, WASHINGTON CATHEDRAL, FEBRUARY 2, 1983

We are gathered here to celebrate our Nancy—with love and great joy. Nancy spoke for the arts, as no one else could. Today the arts speak for Nancy, as none of us can alone. These artists, these strings and brass, these voices, this poetry, this sculpture, this great organ, these banners, this vaulting cathedral—their sounds and images evoke for each of us memories of this most remarkable human being, this true artist, this fast friend. And the remembrances are both grand and intimate:

Nancy, hammering out program concepts with the best thinkers she could bring together. Lips pursed, eyes blazing over her granny glasses at whoever was challenging her with ideas. Drawing every mind in the staff, the National Council and the panels into the debate.

Nancy, striding the Endowment corridors with a pail of soapy water to scrub away offending marks the staff had failed to clean from walls that should speak well for the arts.

Nancy, who valued every person joined with her in the cause of the arts. No matter how exalted—or how obscure, she knew we were each uniquely important, and she made us know it too. She referred to one and All who worked with her as "My Associates." And made us proud to be numbered in that company.

Nancy, carrying home nightly a pair of canvas bags bulging with work—and next day flooding desks with memos punched out on her typewriter at home, following up or starting off an incredible range of ideas and projects. Those memos and the letters and articles she had read poured out of her canvas bags with notes in the margins—and questions, always questions.

Her most expressive marginal notes were pairs of cartoon eyes that told you exactly how she felt about something you had written. They said you had scored a triumph—or were in big trouble; they said—I don't understand, tell me more; they said—you must be kidding; they said—oh no you don't; or they said—wonderful.

Nancy, was busy beyond belief—yet somehow she found time to become heart-deep involved in the lives of her beloved associates—from handwritten notes on birthdays, to long talks about career turning points, to earth-moving acts of faith and affection in the face of real troubles. And this circle of involvement expanded across the country as she traveled and inquired and came to care about art and artists of every stripe.

Nancy loved celebrations. And she knew that the arts are the heart of celebration. She spent years seeing to it that the arts would help America celebrate its Bicentennial Birthday in ways that would permanently enrich our national life.

Because her all-embracing sense of community knew no bounds, her main Bicentennial project at the Endowment was called City Spirit—and it brought people from every echelon together in their own communities to decide how the arts could enhance the quality of the life they shared.

Of course, open-armed sharing was the core of her life. In 1971, already the most passionate patron of symphonies and operas and museums, ballets, theatres and America's most visible artists, she coaxed and wheedled and bludgeoned into being the Expansion Arts program which has nourished new realms of excellence outside the establishment—and is still expanding our awareness that America's culture is a coat of many colors.

Nancy's labors were labors of positive love. We all learned to say that there are no problems, only opportunities. Through it all, her wit, her wry, self-deprecating sense of humor, her down-playing of her own importance became legendary. When the New York Times asked her and several other distinguished American women executives to identify the secret of their success, the quintessential Nancy Hanks replied, "I learned how to type."

Each of us has our own collection of memories. They are personal and unique. Their sum is something we all share. There is no way to sum up the scope and value of the gifts Nancy has left for us—and for the future.

But this hour has been a beginning—a beginning of the tribute that will be paid by generations of writers and players and singers and dancers and poets and painters and sculptors whose voice and vision will be stronger in America because Nancy gathered together a brave band of creative people—and decided to help.

Her friend Lee Adler said that Nancy's soul rests on her mountain-top retreat in North Carolina—and who can doubt it. Just as surely—that peripatetic, blithe spirit is in joyful residence in every corner and cranny of every place and space where the arts flourish because of her grand design for the Endowment.

But perhaps the place where Nancy's spirit will be most truly at home is the historic Old Post Office—reborn—largely through her determined vision—as the new complex for Federal cultural agencies—and which President Reagan, Arts Endowment Hodsoll and a wholly united Congress are on the move to rename in her ever lasting honor.

Nancy Hanks Lincoln died in 1818, at 35. In her neighbors' eulogies we find the words "Brilliant, Intellectual, Strong-minded, Gentle, Kind and Tender." They *knew* their Nancy Hanks—as we know *ours*. The beauty of her life will echo endlessly in the glory of the American Arts and together they will enrich the life of this vast and varied land forever.

RULES OF COMMITTEE ON VETERANS' AFFAIRS FOR 98TH CONGRESS

(Mr. MONTGOMERY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Veterans' Affairs for the 98th Congress and ask that they be printed in the RECORD at this point. These rules were adopted in an open session of the committee on February 1, 1983.

RULES OF COMMITTEE ON VETERANS' AFFAIRS FOR THE 98TH CONGRESS

RULE I—GENERAL PROVISIONS

The Rules of the House are the rules of the committee and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Each subcommittee of the committee is a

part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

RULE II—MEETINGS

(a) The regular meeting day for the full committee shall be at 10 a.m. on the second Tuesday of each month, and at such other times and in such places as the chairman may designate; however, a regular Tuesday meeting of the committee may be dispensed with by the chairman.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to the call of the chairman.

(c)(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereto shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the Public: *Provided, however,* That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however:* That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

RULE III—RECORDS AND ROLL CALLS

There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the committee for inspection by the public at reasonable times in the office of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. With respect to each record vote by the committee to report any bill or resolution, the total number of votes cast for and the total number of votes cast against the reporting of such bill or such resolution shall be included in the committee report.

RULE IV—QUORUMS.

A majority of the members of the committee shall constitute a quorum of the committee for business and a majority of the members of any subcommittee shall constitute a quorum thereof for business: *Provided,* That any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE V—HEARING PROCEDURES

(a) The chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcements of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the chairman or the subcommittee chairman, whichever the case may be, shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of the statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman of a majority of those minority members before the completion of such hearing, to call such witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations, but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(e) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

RULE VI—OVERSIGHT

(a) In order to assist the House in:

(1) Its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by Congress or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) Its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, the various subcommittees, consistent with their jurisdiction as set forth in Rule VIII, shall have oversight responsibilities as provided in paragraph (b).

(b) Each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated.

In addition, each such subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that subcommittee.

(c) Each subcommittee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdictions.

RULE VII—BROADCASTING OF COMMITTEE HEARINGS

Broadcasting, either by radio or TV of all open committee hearings and meetings shall be permitted when, in the judgment of the chairman, in consultation with the ranking minority member, such action is warranted. Photographs shall be permitted during hearings of the full committees and subcommittees as the chairman decides.

All coverage shall be subject to the following provisions:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily

the coverage of the hearing or meeting by other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE VIII—NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be five standing subcommittees as follows: Oversight and Investigations; Hospitals and Health Care; Education, Training and Employment; Compensation; Pension and Insurance; and Housing and Memorial Affairs. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees, respectively;

Oversight and Investigations: Investigative authority over matters that are referred to the subcommittee by the chairman of the full committee for investigation and appropriate recommendations.

Hospitals and Health Care: Veterans' hospitals, medical care, and treatment of veterans.

Education, Training and Employment: Education of veterans, vocational rehabilitation, and readjustment of servicemen to civilian life.

Compensation, Pension, and Insurance: Compensation, pensions of all the wars of the United States, general and special, and life insurance issued by the Government on account of service in the Armed Forces.

Housing and Memorial Affairs: Veterans' housing programs, and cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior, and burial benefits.

(b) The chairman and the ranking minority member shall serve as ex-officio members of all subcommittees and shall have the right to vote on all matters before the subcommittee.

RULE IX—POWERS AND DUTIES OF SUBCOMMITTEES

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings wherever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) In any event, the report of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

RULES OF COMMITTEE ON POST OFFICE AND CIVIL SERVICE FOR 98TH CONGRESS

(Mr. FORD of Michigan asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FORD of Michigan. Mr. Speaker, pursuant to clause 2(a) of House rule XI, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on Post Office and Civil Service for the 98th Congress, adopted at the committee's organizational meeting on February 2, 1983.

RULES OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE—ADOPTED FEBRUARY 2, 1983

RULE 1. RULES OF THE HOUSE

The Rules of the House are the rules of the committee and the subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

RULE 2. CHAIRMAN; VICE CHAIRMAN

(a) The chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings or, in his absence, the next ranking majority member present shall preside.

(b) In the temporary absence of the chairman of the committee or of a subcommittee, as appropriate, the next ranking majority member of the committee or subcommittee, as appropriate, and so on, as often as the case shall happen, shall act as chairman.

RULE 3. COMMITTEE MEETINGS

(a) A regular meeting of the committee shall be held on the second and fourth Wednesdays of each month. The usual time of a regular meeting shall be 9:45 a.m. A regular meeting may be canceled by the chairman of the committee after consultation with the ranking majority member and the ranking minority member.

(b) Additional meetings of the committee may be called by the chairman as he considers necessary.

(c) A special meeting of the committee shall be held in accordance with the provisions of House Rule XI, Clause 2(c)(2).

(d) Regular, additional, and special meetings of the committee for the transaction of business shall be open to the public, except when the committee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, Clause 2(g)(1).

RULE 4. RECORD OF ACTION

(a) A complete record of all committee or subcommittee action shall be kept which shall include a record of the votes on any question on which a record vote is demanded.

(b) There shall be made available for inspection by the public, at reasonable times in the offices of the committee, a record of the votes on any question on which a record vote is demanded, a description of the amendment, motion, order or other proposition on which a record vote is demanded, and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting.

(c) A committee or subcommittee report on a bill or resolution of a public character ordered reported by a record vote shall include the number of votes cast for, and the number of votes cast against, the motion to report.

RULE 5. COMMITTEE QUORUM

(a) Except as provided under paragraphs (b) and (c) of this rule, or under House Rule XI, Clause 2(g)(2), one-third of the total membership of the committee shall constitute a quorum for the purpose of transacting committee business.

(b) A majority of the total membership of the committee shall constitute a quorum for the purpose of—

(1) reporting a measure or recommendation in accordance with rule 13(a);

(2) voting to close a meeting under rule 3(d);

(3) authorizing the issuance of a subpena under rule 12(c); and

(4) recalling a bill, resolution, or other matter under rule 9(c).

(c) Not less than two members of the committee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(d) The presence of a quorum shall be determined and announced by the chairman before the committee shall proceed to the

transaction of business and shall be recorded in the records of committee action.

RULE 6. ROLLCALL VOTE

A rollcall vote on any question may be demanded by any member of the committee or of a subcommittee, as appropriate.

RULE 7. PROXIES

A member may vote on any matter before the committee or a subcommittee by proxy. A proxy shall (1) be in writing, signed by the member authorizing the proxy, and show the date and time of day that the proxy is signed; (2) assert that the member is absent on official business or is otherwise unable to be present at the meeting; (3) designate the member who is to execute the proxy authorization; and (4) be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy for motions to recess, adjourn, or other procedural matters. A proxy may not be used unless a quorum is present, cannot be used to make a quorum, and shall be presented to the chairman at the time the proxy is voted.

RULE 8. ADDRESSING COMMITTEE OR SUBCOMMITTEE

(a) Recognition by the chairman shall first be obtained by any member addressing the committee or subcommittee, as appropriate, proposing a motion, or interrogating a witness.

(b) The 5-minute rule shall apply in the markup of a bill. The 5-minute rule shall apply in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question the witness.

(c) The regular order shall be observed in all proceedings, and all questions and statements in the interrogation of witnesses shall be germane to the legislation or other matters then being considered.

RULE 9. REFERENCE OF LEGISLATION

(a) Each bill, resolution, or other matter referred to the committee, subject to the provisions of this rule, shall be re-referred to the subcommittee having jurisdiction over its principal subject within 2 weeks from the date of its referral to the committee unless the chairman of the committee orders that it be held for the committee's direct consideration. If the chairman so orders, he shall inform the members of the committee of his decision and it shall not become final until 1 week after he has so informed them and then only if a majority of the members of the committee have not, in the meantime, advised him in writing of their disagreement therewith.

(b) A bill, resolution, or other matter referred by the chairman of the committee to a subcommittee may be recalled by him for the committee's direct consideration or for referral to another subcommittee. If recalled, the chairman shall inform the members of the committee of his decision and it shall not become final until 1 week after he has so informed them and then only if a majority of the members of the committee have not, in the meantime, advised him in writing of their disagreement with his decision.

(c) A bill, resolution, or other matter referred to a subcommittee may be recalled by a majority vote of the committee, a majority being present, for its direct consideration or for reference to another subcommittee.

(d) A bill, resolution, or other matter referred to the committee may be referred simultaneously by the chairman of the committee to two or more subcommittees for concurrent consideration, for consideration in sequence, or for consideration of particular parts, or the matter may be referred by the chairman to a special ad hoc subcommittee or task force established under rule 21.

RULE 10. STATEMENTS; DEPOSITIONS

Statements, depositions, letters, and such other pertinent matter in appropriate form as may be timely submitted may be accepted for inclusion in printed hearings, records, or documents, or in the permanent files of the committee, by the chairman of the committee or subcommittee, as appropriate, without objection or upon motion duly adopted.

RULE 11. HEARINGS; WITNESSES

(a) Public announcement of the date, place, and subject matter of each hearing to be conducted by the committee, or by a subcommittee, shall be made at least 1 week before the commencement of a hearing, unless the chairman of the committee or subcommittee, as appropriate, determines that there is good cause to begin a hearing at an earlier date in which event such public announcement shall be made at the earliest possible date.

(b) Hearings shall be open to the public except when the committee, or subcommittee, as appropriate, votes to close a hearing in accordance with House Rule XI, Clause 2(g)(2).

(c) Except as otherwise provided in these rules, the scheduling of witnesses and the time allowed for the presentation of testimony and interrogation shall be at the sole discretion of the chairman, unless otherwise ordered by a majority vote of the committee or subcommittee, as appropriate, a quorum being present.

(d) When any hearing is conducted upon any measure or matter, the minority party members of the committee, or subcommittee, as appropriate, upon request to the chairman by a majority of the minority party members before completion of the hearings, shall be entitled to call witnesses to testify on at least 1 day of such hearings.

(e) Each witnesss who is to appear before the committee, or subcommittee, as appropriate, and who has had appropriate and timely notice of such appearance shall file with the committee, or subcommittee, as appropriate, at least 48 hours in advance of his appearance, at least 35 copies of the statement of his proposed testimony and limit his oral presentation at his appearance to a brief summary of his argument. The requirement of this rule may be waived, in whole or in part, by the chairman, without objection, or pursuant to a motion duly adopted.

(f) A witness may obtain a transcript of his testimony given at a public session or, if given at an executive session, when authorized by the committee or subcommittee, as appropriate.

RULE 12. POWER TO SIT AND ACT; SUBPENA POWER; OATHS

(a) The committee and each subcommittee is authorized—

(1) to sit and act at such times and places, whether the House is in session, has recessed, or has adjourned, and to hold hearings; and

(2) subject to paragraph (c), to require by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary.

(b) The chairman of the committee or of a subcommittee, as appropriate, or any member designated by the chairman, may administer oaths to witnesses.

(c) A subpena may be authorized and issued by the committee or by a subcommittee in the conduct of its functions and duties under House Rules X and XI or under the committee rules when authorized by a majority vote of the committee or subcommittee, as appropriate, a majority being present, or when authorized by the chairman of the committee.

(d) Authorized subpenas shall be signed by the chairman of the committee or, in his absence, by a member designated by the chairman.

RULE 13. FILING REPORTS; SUPPLEMENTAL, MINORITY, OR ADDITIONAL VIEWS

(a) No measure or recommendation, including any report or submission required to be made to the House or to the Committee on the Budget by the committee under paragraphs (g), (h), and (i) of Clause 4 of Rule X of the Rules of the House, shall be reported unless a majority of the committee or subcommittee, as appropriate, was actually present.

(b) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(c) It shall be the duty of the chairman of a subcommittee to promptly request consideration in the committee of any measure approved by the subcommittee, and it shall be the duty of the chairman of the committee to schedule such measure for consideration by the committee as promptly as possible.

(d) In the event the report of the committee on a measure which has been approved by the committee has not been filed as prescribed by paragraph (b) of this rule, such report shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the general counsel of the committee a written request, signed by a majority of the members of the committee, for reporting of that measure.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views with the general counsel of the committee. Such views shall be in writing and signed by the member.

(f) All committee, subcommittee, or staff reports printed pursuant to legislative or oversight investigations and not approved by a majority of the members of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: (This report has not been officially approved by the (subcommittee/committee) and, therefore, may not necessarily reflect the views of all of its members.)

RULE 14. LEGISLATIVE OVERSIGHT

The committee, together with its subcommittees, shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee.

RULE 15. INVESTIGATIVE STAFF

Except as provided in Rule XI, clause 5(d) of the Rules of the House of Representa-

tives, the investigative staff of the Committee on Post Office and Civil Service shall be appointed as follows:

(1) The subcommittee staff shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman within the budget approved for the subcommittee by the committee;

(2) The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee; and

(3) The staff of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the chairman within the budget approved for such purposes by the committee.

RULE 16. SPECIAL FUNDS, BUDGET, EXPENSES, AND ACCOUNTS

(a) The chairman of each standing subcommittee shall propose and present to the chairman of the committee, for each session of the Congress, a subcommittee budget of the estimated amount of special funds necessary to carry out the anticipated activities and programs of the subcommittee for that particular session of the Congress.

(b) The chairman of the committee shall review each proposed subcommittee budget and, after consultation with the ranking minority member, shall propose and present to the committee, for each session of the Congress, a committee budget of the estimated total amount of special funds to be requested under a primary expense resolution required under House Rule XI, Clause, 5, for use by the committee, both the majority and the minority, for such session of the Congress for all anticipated activities and programs of the committee and of the standing subcommittees.

(c) The staff director shall establish and maintain records and accounts, consistent with sound accounting practices, of committee and subcommittee special funds and of expenses incurred and paid as obligations of such funds. He shall prepare and submit to each member of the committee, not later than 10 days after the end of each quarter of the calendar year, an itemized report of the amounts of such funds expended and on hand at the end of the quarter. Such quarterly reports shall be made a part of the permanent official records of the committee.

(d) Vouchers for payment of obligations of special funds shall be prepared by the staff director for signature by the chairman of the committee, except as otherwise authorized by the House, and shall be supported by receipts or other documentation consistent with the requirements of the Committee on House Administration. Signed vouchers shall be returned to the staff director for entry in the committee accounts and final processing.

RULE 17. BROADCASTING HEARINGS

A hearing conducted by the committee, upon approval by a majority vote of the committee, a quorum being present, or a hearing conducted by a subcommittee, upon approval by a majority vote of the subcommittee, a quorum being present, may be covered in whole, or in part, by television broadcast, radio broadcast, and still photography, in accordance with House Rule XI, Clause 3, subject to the following:

(1) live coverage is to be broadcast without commercial sponsorship;

(2) no subpenaed witness may be photographed, televised, or broadcast against his will;

(3) television coverage shall be limited to four fixed cameras not obstructing committee or subcommittee proceedings or other media;

(4) equipment must be installed prior to the hearing;

(5) lighting shall be at the lowest adequate level;

(6) no more than five still photographers may cover any hearing;

(7) still photographers shall not come between the witnesses and committee members or obstruct the other media during the hearing; and

(8) broadcast and photography personnel shall be orderly and unobtrusive and shall be currently accredited to the Radio, Television Correspondents', or the Press Photographers' Galleries, as appropriate.

RULE 18. AVAILABILIITY OF SUBCOMMITTEE REPORTS

A summary and explanation of each measure or matter reported by a subcommittee shall be furnished to each member of the committee in advance of the committee meeting at which such measure or matter is to be considered.

RULE 19. TRAVEL

(a) All members of the committee shall have adequate notice prior to the date or dates fixed for investigations or hearings at location other than Washington, D.C.

(b) Travel of members and staff of the committee or of a subcommittee to hearings, meetings, conferences, and investigations must be authorized by the chairman of the committee prior to any public notice thereof or the actual travel. Before such authorization is given, there shall be submitted to the chairman of the committee a statement in writing which includes the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(c) A report on the travel (except travel in connection with hearings) of each member or staff member shall be submitted to the chairman of the committee as soon as possible after the trip is completed.

(d) Not later than 60 days after the completion of foreign travel, each member or staff member shall submit to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. Such reports shall be made available for inspection by the public, as required by House Rule XI, Clause 2(n).

(e) To facilitate the oversight and other legislative and investigative activities of the committee, the chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, D.C.

RULE 20. CLASSIFIED MATERIAL

(a) All classified material received by the committee or by a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The chairman of the committee shall establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any such classified material. Such procedures shall, however, insure access to this information at the committee offices by any member of the committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

RULE 21. STANDING AND SPECIAL SUBCOMMITTEES

There shall be seven standing subcommittees of the committee. The Subcommittee on Investigations shall have investigative jurisdiction over all matters within the jurisdiction of the committee, and the other six subcommittees shall have legislative and investigative jurisdiction as provided under paragraphs (2) through (7) of rule 22. In addition to the standing subcommittees, the chairman of the committee may establish such special ad hoc subcommittees and task forces and assign to them such jurisdiction as the chairman deems necessary.

RULE 22. JURISDICTION OF SUBCOMMITTEES

The titles and jurisdiction of the standing subcommittees shall be as follows:

(1) Subcommittee on Investigations: The investigation, review and study, on a continuing basis, of the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee.

(2) Subcommittee on Compensation and Employee Benefits: Compensation, including pay rates and pay systems; the merit pay system; dual compensation; classification of positions; leave; allowances; retirement; insurance; health benefits; and other benefits of Federal officers and employees.

(3) Subcommittee on Human Resources: Federal, civilian personnel requirements and ceilings, including the establishment of supergrade and executive level positions; effect of Government reorganizations on Federal personnel; employee utilization; reductions in force; contracting out; rights of privacy; code of ethics, including financial disclosure and conflicts of interest; alternative work schedules; White House personnel authorization; and intergovernmental personnel programs.

(4) Subcommittee on the Civil Service: Federal civil service matters, generally, except those matters specifically within the jurisdiction of other subcommittees; Federal labor management relations (excluding the Postal Service); the Senior Executive Service; productivity of Federal employees; and employee political activities.

(5) Subcommittee on Postal Operations and Services: The United States Postal Service and the Postal Rate Commission, generally, including operation and administration thereof; postal finances and expenditures (except those relating to matters within the jurisdiction of the Subcommittee on Postal Personnel and Modernization); public service aspects, requirements, and reimbursements; and the United States mails (except those matters specifically within the jurisdiction of the Subcommittee on Postal Personnel and Modernization).

(6) Subcommittee on Postal Personnel and Modernization: Postal officers and employ-

ees, generally, including their status and appointment; postal management and other personnel requirements and practices; employee utilization; postal labor management relations; postal facilities and mechanization, including modernization and research and development; mailability of matter; mail transportation; and military mail.

(7) Subcommittee on Census and Population: The Bureau of the Census, generally; population and demography; statistics collection; reporting and data processing activities of the Government, generally; and holidays and celebrations.

RULE 23. MEMBERSHIP OF SUBCOMMITTEES

(a) Except as provided in paragraph (b), each subcommittee shall have six members, divided between the majority and minority members in the ratio of four to two.

(b) The Subcommittee on Postal Operations and Services shall have eight members, divided between the majority and minority members in the ratio of five to three.

(c) The chairman and ranking minority member of the committee shall be ex officio voting members of each legislative subcommittee on which they do not serve.

(d) Each member of the committee may sit with any subcommittee during its hearings or deliberations, but no member who is not a member of a subcommittee shall vote on any matter before that subcommittee.

RULE 24. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, conduct investigations, receive evidence, and report to the committee on all matters referred to it. Subcommittee chairmen shall set meeting and hearing dates after consultation with the chairman of the committee and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings whenever possible. A subcommittee may exercise none of the powers or authorities hereinbefore provided with respect to any investigation or other activity which is not within the jurisdiction of the subcommittee or which requires the expenditure of funds in excess of the subcommittee's budget as approved by the committee, except upon authorization by a majority vote of the committee, a quorum being present.

RULE 25. REQUIRED MEETING

Each standing subcommittee, as referred to in rule 22, shall meet for the transaction of subcommittee business from time to time while Congress is in session, at a time and on a day determined by the subcommittee with due regard to the time and dates of the regular meetings of the committee and other subcommittees. All meetings of each subcommittee shall be open to the public except when the subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, Clause 2(g)(1).

RULE 26. SUBCOMMITTEE QUORUM

(a) Except as provided under paragraphs (b) and (c) of this rule, or under House Rule XI, Clause 2(g)(2), one-third of the total membership of a subcommittee shall constitute a quorum for the purpose of transacting subcommittee business.

(b) A majority of the total membership of a subcommittee shall constitute a quorum for the purpose of—

(1) reporting a measure or recommendation to the committee;

(2) voting to close a meeting under rule 25; and

(3) authorizing the issuance of a subpena under rule 12(c).

(c) Not less than two members of a subcommittee shall contitute a quorum for the purpose of taking testimony and receiving evidence.

RULE 27. AMENDMENTS

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chairman shall allow an appropriate period of time for the provision thereof.

RULE 28. OTHER ACTIONS; STAFF SUPERVISION

The chairman of the committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operations of the committee, including the general supervision of the statutory and investigative staffs of the committee.

RULES OF COMMITTEE ON EDUCATION AND LABOR FOR 98TH CONGRESS

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I submit for publishing in the CONGRESSIONAL RECORD the Rules of the Committee on Education and Labor for the 98th Congress, adopted by the committee in open session on January 25, 1983, all in compliance with rule XI, clause 2 of the Rules of the U.S. House of Representatives.

RULES OF THE COMMITTEE ON EDUCATION AND LABOR

RULE 1. REGULAR AND SPECIAL MEETINGS

(a) Regular meetings of the committee shall be held on the second and fourth Tuesdays of each month at 9:45 a.m., while the Congress is in session. When the Chairman believes that the committee will not be considering any bill or resolution before the committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable a written notice to that effect and no committee meeting shall be held on that day.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) All legislative meetings of the committee and its subcommittees shall be open. No business meeting of the committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice. Such meeting shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by the ranking majority party member of the committee present.

RULE 2. QUESTIONING OF WITNESSES

Committee members may question witnesses only when they have been recognized by the Chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority party. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position. The Chairman may accomplish this by recognizing two majority party members for each minority party member recognized.

RULE 3. RECORDS AND ROLLCALLS

Written records shall be kept of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee or subcommittee for inspection by the public at reasonable times in the offices of the committee or subcommittee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present by not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

RULE 4. STANDING SUBCOMMITTEES: SIZE, RATIO AND JURISDICTION

(a) There shall be eight standing subcommittees with the following jurisidictions:

Subcommittee on Elementary, Secondary and Vocational Education.—Education from preschool through the high school level and vocational education including, but not limited to elementary and secondary education generally, vocational education,

school lunch and child nutrition, adult basic education, migrant and agricultural labor education, and overseas dependent schools.

The Subcommittee on Elementary, Secondary and Vocational Education shall consist of 19 Members, 12 from the Majority and 7 from the Minority. This ratio includes Ex Officio Members.

Subcommittee on Employment Opportunities.—Comprehensive employment and training, work incentive and equal employment opportunities including, but not limited to Comprehensive Employment and Training Act, equal employment opportunities, Humphrey-Hawkins, displaced homemakers, Wagner-Peyser (employment services), Youth Conservation Corps, Young Adult Conservation Corps, import trade impacts, plant relocation impact, and WIN.

The Subcommittee on Employment Opportunities shall consist of 21 Members, 13 from the Majority and 8 from the Minority. This ratio includes Ex Officio Members.

Subcommittee on Labor-Management Relations.—Relationship between employer and employee and their representatives including, but not limited to labor-management relations generally, Bureau of Labor Statistics, pension reform (ERISA), and Service Contract Act.

The Subcommittee on Labor-Management Relations shall consist of 11 Members, 7 from the Majority and 4 from the Minority. This ratio includes Ex Officio Members.

Subcommittee on Health and Safety.—Workers' health and safety including, but not limited to, occupational safety and health, mine health and safety, youth camp safety, and migrant and agricultural labor, health and safety.

The Subcommittee on Health and Safety shall consist of 8 Members, 5 from the Majority and 3 from the Minority. This ratio includes Ex Officio Members.

Subcommittee on Human Resources.—All matters dealing with programs and services for the elderly, for the elimination of poverty and for the care and treatment of children, exclusive of education programs including, but not limited to Economic Opportunity and Community Services Acts (Head Start, Community Services, etc.), Juvenile Justice and Delinquency Prevention, Runaway Youth Act, early childhood services, nutrition programs for the elderly, and older Americans.

The Subcommittee on Human Resources shall consist of 11 Members, 7 from the Majority and 4 from the Minority. This ratio includes Ex Officio Members.

Subcommittee on Postsecondary Education.—Education beyond the high school level including, but not limited to higher education generally, education professions development, postsecondary student assistance, arts and humanities, museums, and library services and construction.

The Subcommittee on Postsecondary Education shall consist of 15 Members, 9 from the Majority and 6 from the Minority. This ratio includes Ex Officio Members.

Subcommittee on Labor Standards.—Wages and hours of labor including, but not limited to Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards Act (including child labor), workers' compensation generally, Longshoremen's and Harbor Workers' Compensation Act, Federal employees' compensation, and the Farm Labor Contractor Registration Act.

The Subcommittee on Labor Standards shall consist of 12 Members, 8 from the Majority and 4 from the Minority. This ratio includes Ex Officio Members.

Subcommittee on Select Education.—Special education programs including, but not limited to alcohol and drug abuse, education of the handicapped, rehabilitation, environmental education, National Institute of Education, migrant and agricultural labor day care, child adoption, child abuse, domestic violence, and domestic volunteers, ACTION (excluding volunteer older American programs).

The Subcommittee on Select Education shall consist of 12 Members, 8 from the Majority and 4 from the Minority. This ratio includes Ex Officio Members.

(b) The Majority party Members of the Committee may provide for such special and select subcommittees as determined to be appropriate.

RULE 5. EX OFFICIO MEMBERSHIP

The Chairman of the Committee and the ranking Minority party Member of the Committee shall be ex officio members of each Subcommittee established pursuant to Rule 4.

RULE 6. SPECIAL ASSIGNMENT OF MEMBERS

To facilitate the oversight and other legislative and investigative activities of the committee, the Chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington. Any member of the committee may attend public hearings of any subcommittee and shall be afforded an opportunity by the subcommittee chairman to question witnesses.

RULE 7. SUBCOMMITTEE CHAIRMANSHIP

The majority party members of the committee shall have the right, in order of full committee seniority, to bid for subcommittee chairmanships. Any such request shall be subject to approval by a majority of those present and voting in the majority party caucus of the committee. Members so elected shall be chairman of their respective subcommittees.

RULE 8. SUBCOMMITTEE SCHEDULING

Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible. Available dates for subcommittee meetings during the session shall be assigned by the Chairman to the subcommittees as nearly as practicable in rotation and in accordance with their workloads.

RULE 9. SUBCOMMITTEE RULES

The rules of the committee shall be the rules of its subcommittees.

RULE 10. COMMITTEE STAFFS

Except as provided in Rule XI, clause 5(d) of the Rules of the House of Representatives, the staff of the House Committee on Education and Labor shall be appointed as follows:

A. The subcommittee staff shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman in consultation with and with the approval of the majority party members of the subcommittee within the budget approved for the subcommittee by the full committee;

B. The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee;

C. The employees of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the Chairman in consultation with and with the approval of the majority party members of the committee within the budget approved for such purposes by the committee.

RULE 11. SUPERVISION AND DUTIES OF COMMITTEE STAFFS

The staff of a subcommittee shall be under the general supervision and direction of the chairman of that subcommittee. The staff assigned to the minority shall be under the general supervision and direction of the minority party members of the committee who may delegate such authority as they determine appropriate. The staff of the committee not assigned to a subcommittee or to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate.

Staff members shall be assigned to committee business and no other duties may be assigned to them.

RULE 12. HEARINGS PROCEDURE

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event the Chairman or the subcommittee chairman whichever the case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 24 hours in advance of his appearance, a written statement of his proposed testimony and shall limit his oral presentation to a summary of his statement. The clerk of the committee or the subcommittee, as the case may be, shall promptly furnish to the clerk of the minority a copy of such testimony submitted to the committee pursuant to this rule.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

RULE 13. MEETINGS—HEARINGS—QUORUMS

(a) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the committee for final action, together with such recommendations as may be agreed upon by the subcommittee. No such meetings or hearings, however,

shall be held outside of Washington or during a recess or adjournment of the House without the prior authorization of the committee Chairman or a majority of a quorum of the subcommittee: *Provided*, That where feasible and practicable, 14 days notice will be given of such meeting or hearing.

(b) One-third of the members of the committee or subcommittee shall constitute a quorum for taking any action other than amending committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the committee authorizing a subpoena. For the enumerated actions a majority of the committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(c) In the absence of the chairman of the committee or a subcommittee, the ranking majority party member present shall preside.

RULE 14. SUBPOENAS

A subpoena may be authorized and issued by the Committee or subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the Members of the full Committee voting, a majority being present. Authorized subpoenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee.

RULE 15. REPORTS OF SUBCOMMITTEES

(a) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(b) In any event, the report, described in the proviso in paragraph (d) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

(c) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on Education and Labor (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(d) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote otherwise direct: *Provided*, That no bill reported by a subcommittee shall be considered by the full committee unless it has been in the hands of all members at least 48 hours prior to the meeting, together with a comparison with present law and a section-by-section analysis of the proposed change.

RULE 16. PROXIES

(a) A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing and in the hands of the chief clerk of the committee or the clerk of the subcommittee, as the case may be, during each rollcall in which they are to be voted. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigned his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

(b) Proxies shall be in the following form:

Hon. ————————,
House of Representatives,
Washington, D.C.

DEAR————————: Anticipating that I will be absent on official business or otherwise unable to be present, I hereby authorize you to vote in my place and stead in the consideration of ———————— and any amendments or motions pertaining thereto.

—— ——,
Member of Congress.

Executed this the ——— day of ———— , 19—, at the time of —— P.M./A.M.

RULE 17. AUTHORIZATION FOR TRAVEL

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be paid from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee.

Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) The location of the event for which the travel is to be made;

(4) The names of members and staff seeking authorization.

(b) In the case of expenses for travel of members and staff of a subcommittee to hearings, meetings, conferences, investigations involving activities or subject matter under the legislative assignment of such subcommittee, including the expenses of witnesses at hearings, subject to the limitations contained in rule 21, to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the appropriate chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a) and in addition thereto setting forth that subcommittee funds are available to cover the expenses of the person or persons being authorized by the subcommittee chairman to undertake the travel and that there has been a compliance where applicable with Rule 12 of the committee.

(c)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittees prior authorization must be obtained from the Chairman, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) The Chairman shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conference) shall submit a written report to the Chairman covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(d) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, including rules, procedures and limitations prescribed by the Committee on House Administration with respect to domestic and foreign expense allowances.

(e) Prior to the Chairman's authorization for any travel the ranking minority party member shall be given a copy of the written request therefor.

RULE 18. OVERSIGHT

(a) In order to enable the Committee to carry out its responsibilities under Rule X, clause 2 of the Rules of the House of Representatives, each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, each such subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that subcommittee.

(b) The Chairman of the committee, consistent with Rule 4, from time to time in order to fulfill the committee's responsibility under Rule X, clause 3(c) of the Rules of the House of Representatives, shall assign matters to subcommittees for reviewing, studying, and coordinating, on a continuing basis, all laws, programs, and Government activities dealing with or involving domestic educational programs and institutions, and programs of student assistance, which are within the jurisdiction of other committees.

(c) The Chairman of the committee, consistent with Rule X, clause 2(d) of the Rules of the House of Representatives, shall from time to time assign matters to subcommittees for reviewing and studying on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the committee.

RULE 19. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS

(a) Each bill, resolution, or other matter which relates to a subject listed under the jurisdiction of any subcommittee named in Rule 4 referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks, unless, by majority vote of the majority party members of the committee, consideration is to be by the full committee.

(b) In carrying out paragraph (a) with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees, consistent with Rule 4, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or refer the matter, pursuant to Rule 4, to a special ad hoc subcommittee, appointed by the Chairman (from the members of the subcommittees having legislative jurisdiction) for the specific purpose of considering that matter and reporting to the committee thereon, or make such other provisions as may be considered appropriate.

(c) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

RULE 20. COMMITTEE REPORTS

(a) All committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule XI of the Rules of the House of Representatives.

(b) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior. No material change shall be made in the report distributed to members unless agreed to by majority vote: *Provided*, That any member or members of the committee may file, as part of the printed report, individual, minority, or dissenting views, without reference to the preceding provisions of this rule.

RULE 21. BUDGET AND EXPENSES

(a) The Chairman, in consultation with the majority party members of the committee shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee and after consultation with the minority party membership, the Chairman shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted. The chairman of each standing subcommittee, in consultation with the majority party members thereof, shall prepare a supplemental budget to include funds for each additional staff, and for such travel, investigations, etc., as may be required for the work of such subcommittee. Thereafter, the Chairman shall combine such proposals into a consolidated committee budget, and shall present the same to the committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. After said budget shall have been adopted, no change shall be made in such budget unless approved by the committee. The Chairman or the chairman of any standing subcommittee may initiate necessary travel requests as provided in Rule 16 within the limits of their portion of the consolidated budget as approved by the House, and the Chairman may execute necessary vouchers therefor.

(b) Each subcommittee, subject to the rules of the House and procedures prescribed by the Committee on House Administration, may expend out of funds budgeted and set aside for it not to exceed $2,000 in any one session of the Congress for the necessary expense for travel and lodging of witnesses in attending subcommittee hearings in Washington, D.C. Out of the funds set aside to the minority party members there may be expended not to exceed $2,000 in any session of the Congress for the necessary expense for travel and lodging of witnesses in attending subcommittee hearings in Washington, D.C. for each of the subcommittees.

(c) Once monthly, the Chairman shall notify the committee, in writing, that a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the committee is available to every Member in the office of the Clerk of the Committee. Such report shall show the amount and purpose of each expenditure and the budget to which such expenditure is attributed.

RULE 22. APPOINTMENT OF CONFEREES

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the Speaker as conferees the names of those members of the subcommittee which handled the legislation in the order of their seniority upon such subcommittee and such other committee members as the Chairman may designate with the approval of the majority party members. Recommendations of the Chairman to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full committee. In making assignments of minority party members as conferees the Chairman shall consult with the ranking minority party member of the committee.

RULE 23. BROADCASTING OF COMMITTEE HEARINGS

(a) When any hearing or meeting of the committee or a subcommittee is open to the public, that hearing or meeting may be covered in whole or in part by television broadcast, radio broadcast, and still photography, or by other such methods of coverage. Such coverage of hearings and meetings is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions and requirements of clause 3 of Rule XI of the rules of the House of Representatives.

(b) The general conduct of each hearing or meeting covered under authority of this clause and the personal behavior of committee members, staff, other government officials and personnel, witnesses, television, radio and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House.

(c) Persons undertaking to cover committee hearings or meetings under authority of this rule shall be governed by the following limitations:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still

photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplemental to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 24. CHANGES IN COMMITTEE RULES

A proposed change in these Rules shall not be considered by the committee unless the text of such change has been in the hands of all Members at least 48 hours prior to the meeting in which the matter is considered.

RULE XI, CL. 2(K)—RULES OF THE U.S. HOUSE OF REPRESENTATIVES, 98TH CONGRESS

INVESTIGATIVE HEARING PROCEDURES

(k)(1) The chairman at an investigative hearing shall announce in the opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this Rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person. In either case the committee shall afford such person an opportunity voluntarily to appear as a witness; and receive and dispose of requests from such person to subpena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RODINO (at the request of Mr. WRIGHT), for today and Tuesday, February 8, 1983, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. DOWNEY, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mrs. BOGGS, for 30 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. GEPHARDT, for 60 minutes, on February 8.

Mr. TAUZIN, for 60 minutes, on February 8.

Mr. MILLER of California, for 10 minutes, on February 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. BOGGS, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,532.

(The following Members (at the request of Mr. BATEMAN) and to include extraneous matter:)

Mr. YOUNG of Florida in 10 instances.

Mr. LENT.

Mr. MARRIOTT.

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. BEILENSON.

Mr. STARK in five instances.

Mr. LEHMAN of Florida in three instances.

Mr. LELAND.

Mr. DYMALLY.

Mr. FRANK in three instances.

Mr. FORD of Michigan.

Mr. MINETA.

Mr. EDWARDS of California.

Mr. BURTON of California.

Mr. NATCHER in two instances.

Mr. FAUNTROY.

Mr. HAMILTON.

Mrs. SCHROEDER.

Mr. D'AMOURS.

Mr. EDGAR.

Mr. FROST.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. HARKIN.

Mr. DASCHLE in two instances.

Mr. KOSTMAYER.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 61. An act to designate a "Nancy Hanks Center" in the Old Post Office Building in Washington, District of Columbia, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 60. Joint resolution to direct the President to issue a proclamation designating February 16, 1983, as "Lithuanian Independence Day."

ADJOURNMENT

Mrs. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 8, 1983, at 12 o'clock noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees and delegations traveling under authorizations from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of calendar year 1982 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Wendell Belew	10/9	10/23	England	64.30	1,575.00		1,853.00				3,428.00
Representive Lynn Martin [3]	11/22	11/27	Switzerland	1,067.50	486.00		745.00				1,231.00
Representive Paul Simon	12/20	12/22	Italy	230.420	164.00						
	12/22	12/26	Germany	369.60	154.00						
	12/26	12/28	Hungary	2,971.60	76.00						
	12/28	1/2	Russia		445.00						
Pam American Airlines ticket paid in German marks.							2,087.00				2,926.00
Peter Storm	12/27	12/28	Hungary	1,482.00	38.00						
	12/28	1/2	Russia		445.00						
	1/2	1/5	Germany	559.32	237.00						
	1/5	1/7	Italy	234.436	172.00						
TWA Airline ticket charged in German marks							2,465.80				3,357.80
Committee total					$3,792.00		$7,159.80				$10,942.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter US. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation to GATT conference was by domestic airline. Transportation to U.S. was by military aircraft.

JAMES R. JONES, Chairman, Jan. 19, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 and DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Wise, Samuel G.	10/8	10/10	Bucharest		80.00		$1,602.00				$1,766.00
	10/11	10/12	Germany	210	84.00						
Wise, Samuel G.	10/26	10/28	Belgium	8,230	168.00		1,293.00				1,461.00
Burns, Deborah M.	11/07	12/18	Spain	378,418	3,150.00		1,601.00				4,751.00
Davidson, Lynne Ann	11/07	12/18	Spain	378,418	3,150.00		1,601.00				4,751.00
Deychakiwsky, Orest	11/07	11/29	Spain	235,454	1,725.00		1,601.00				3,326.00
Donovan, Margaret Ann	11/07	11/26	Spain	178,349	1,500.00		1,601.00				3,101.00
Packard, Michael	11/08	11/24	Spain	151,755	1,275.00		1,450.00				2,725.00
Sandstrom, John	11/07	11/24	Spain	160,597	1,350.00		1,601.00				2,951.00
Wise, Samuel G.	11/07	11/29	Spain	235,454	1,725.00		1,601.00				3,326.00
Sletzinger, Martin	11/27	12/18	Spain	199,852	1,650.00		1,635.00				3,285.00
Finerty, John	11/28	12/18	Spain	190,889	1,575.00		1,705.00				3,280.00
Richmond, Yale	11/28	12/18	Spain	190,889	1,575.00		1,705.00				3,280.00
Oliver, R. Spencer	11/28	12/04	Spain	62,737	525.00		2,999.00				3,524.00
Oliver, R. Spencer	12/09	12/20	Spain	104,775	825.00		3,244.00				4,257.00
	12/21	12/22	Austria		188.00						
Brescia, Christopher	12/05	12/11	Switzerland	1,147.95	546.00		1,734.00				2,619.77
	12/12	12/15	England	196.66	324.00	25.55	15.77				
Local transportation for staff while in Madrid, Spain							381.15				381.15

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE FASCELL, Chairman, Dec. 31, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
William G. Lawrence	12/17	12/19	Bahamas		384.00		142.00				526.00
Theodore J. Mehl	12/17	12/19	Bahamas		384.00		142.00				526.00
Committee total					768.00		284.00				1,052.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, Chairman, Jan. 20, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 1 and DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David O'B. Martin, M.C.	11/19	11/23	Tokyo, Japan		0	Military					0
Committee Total					0		0				0

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MORRIS K. UDALL, Chairman, Jan. 28, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. William D. Ford	11/9	11/18	Great Britain	603.84	1,007.00					603.84	1,007.00
Transportation, Department of State							3,758.00				3,758.00
Hon. William (Bill) Clay	11/10	11/15	Great Britain	369.94	616.70					369.94	616.70
Transportation, Department of State							3,899.00				3,899.00
Hon. Steny H. Hoyer	11/9	11/12	Great Britain	196.95	327.00					196.65	327.00
Transportation, Department of State							3,665.00				3,665.00
Hon. Patricia F. Rissler	11/9	11/18	Great Britain	617.20	1,029.00					617.20	1,029.00
Transportation, Department of State							3,705.00				3,705.00
Margaret A. McGonagill	11/9	11/18	Great Britain	617.20	1.029.00					617.20	1,029.00
Transportation, Department of State							3,705.00				3,705.00
Joseph A. Fisher	11/9	11/18	Great Britain	617.20	1,029.00					617.20	1,029.00
Transportation, Department of State							3,705.00				3,705.00
Local transportation expenses for delegation						3,473.50	5,789.30			3,473.50	5,789.30
Hon. William C. Danvers	11/13	11/20	Great Britain	454.17	763.00					454.17	763.00
Pro rata share for cost of military air travel							1,937.00				1,937.00
Committee totals					5,800.70		30,163.30				35,964.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, Jan. 26, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Watson		11/3	United States				1,370.00				1,370.00
	11/3–4	11/6	West Germany	612	240.00					612	240.00
	11/6	11/9	France	1,102	152.00					1,102	152.00
	11/9	11/14	England	288.13	477.00					288.13	477.00
	11/14		United States								
Scheuer		11/7	United States				2,403.00				2,403.00
	11/7	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/20	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23		United States								
Kopp		11/7	United States				2,403.00				2,403.00
	11/7	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/20	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23		United States								
Palmer		11/7	United States				2,403.00				2,403.00
	11/7	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/20	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23		United States								
Moses		11/7	United States				2,403.00				2,403.00
	11/7	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/20	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23		United States								
Bach		11/7	United States				2,403.00				2,403.00
	11/7	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/20	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23		United States								
Nicholas		11/7	United States				2,403.00				2,403.00
	11/7	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/20	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23		United States								
Clement		11/7	United States				2,403.00				2,403.00
	11/7	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/20	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23		United States								
Milder		11/9	United States				1,567.00				1,567.00
	11/10	11/14	Great Britain	346.99	577.00					346.99	577.00
	11/14	11/15	West Germany	410.22	159.00					410.22	159.00
	11/15	11/24	France	4,282	585.00					4,282.00	585.00
	11/24		United States								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ostenso		11/14	United States				309.00				309.00
	11/14	11/18	Canada	458.47	375.00					458.47	375.00
	11/18		United States								
Committee total					10,765.50		20,372.20				31,137.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON FUQUA, Chairman, Jan. 25, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas G. Powers	10/17	10/27	Spain	93,638	825.00	184,211	1,623.00	3,773	33.24	281,622	2,481.24
Major L. Clark, III	11/6	11/8	Bermuda	NA	305.00	NA	341.00	0		NA	646.00
Committee total						1,130.00	1,964.00		33.24		3,127.24

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PARREN J. MITCHELL, Chairman, Jan. 28, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Beryl Anthony, Jr.	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								641.87
	11/17	11/19	Barbados	418.60	208.00		346.32		433.87		346.32
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237.00	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
Hon. Thomas J. Downey	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237.00	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
Hon. Bill Frenzel	11/14	11/15	Germany	216.72	84.00						84.00
	11/15	11/19	Soviet Union		178.00						178.00
	11/19	11/22	France	1,653.00	228.00						228.00
	11/22	11/27	Switzerland	889.60	405.00						405.00
Transportation by Department of Defense							681.00				681.00
Hon. Sam M. Gibbons	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237.00	237.00				234.39		471.39
Transportation by Department of Defense							1,841.65				1,841.65
Hon. Charles B. Rangel	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.33
Hon. Dan Rostenkowski	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	111/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
Hon. Richard T. Schulze	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	196	103.00				216.94		319.94
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							1,765.93				1,765.93
Hon. Guy Vander Jagt	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
Thelma J. Askey	10/24	10/27	Switzerland	528.05	$243.00						243.00
Joseph K. Dowley—Continued	10/27	10/29	Belgium	8,286	168.00						168.00
							2,043.00				2,043.00
	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/27	11/20	Barbados	418.60	208.00				433.87		641.87
							346.32				346.32
Transportation by Department of Defense							1,339.09				1,339.09
	11/21	11/27	Switzerland	1,245.40	567.00		1,817.00				2,384.00
Refund					50.00						50.00
	10/27	10/29	Belgium	8.286	168.00						168.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Joseph K. Dowley	10/26	10/27	Switzerland	177.75	81.00						81.00
	10/29	10/309	Switzerland	354.40	162.00						162.00
							1,762.00				1,762.00
	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
James C. Healey, Jr.	11/4	11/10	Poland		487.50		1,585.00				2,072.50
Kenneth J. Kies	11/20	11/27	Switzerland	1,245.40	567.00		1,281.00				1,848.00
David B. Rohr	10/24	10/27	Switzerland	528.05	243.00						243.00
	10/27	10/29	Belgium	8,286	168.00						168.00
	10/29	11/1	England	186.76	315.00						315.00
							2,043.00				2,043.00
	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
	11/23	11/28	Switzerland	1,067.50	486.00		1,817.00				2,303.00
John J. Salmon	10/26	10/27	Switzerland	177.75	81.00						81.00
	10/27	10/29	Belgium	8,286	168.00						168.00
	10/29	10/30	Switzerland	354.40	162.00						162.00
							1,762.00				1,762.00
	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
John L. Sherman	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/31	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
Arthur L. Singleton	10/20	10/26	Switzerland	1,046.35	486.00		1,723.00				2,209.00
Mary Jane Wignot	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/20	Dominican	79	79.00				78.13		157.13
Transportation by Department of Defense							1,652.35				1,652.35
Mary Jane Wignot	11/21	11/28	Switzerland	1,423.35	648.00		1,763.00				2,411.00
Rufus Yerxa	10/24	10/29	Switzerland	878	405.00		1,862.00				2,267.00
Committee totals					15,869.50		46,725.76		11,087.09		73,682.35

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Jan. 28, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Annette Smiley, staff	10/31	11/3	Central America		53.00		538.96				591.96
Michael J. O'Neil, staff	11/8	11/24	Asia		1,345.25		2,524.56				3,869.81
James O. Bush	11/8	12/3	Asia		1,985.34		3,246.30				5,231.64
Committee total					3,383.59		6,309.82				9,693.41

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

EDWARD P. BOLAND, Chairman, Jan. 28, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PETER A. ABBRUZZESE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 14 AND 21, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Peter A. Abbruzzese	14 Oct	17 Oct	Turkey	40,140	229.00						229.00
	17 Oct	19 Oct	Greece	10,530	150.00						150.00
	19 Oct	21 Oct	Italy	249,680	174.00						174.00
Commercial transportation							2,125.00				2,125.00
					553.00		2,125.00				2,679.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER A. ABBRUZZESE, Nov. 1, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SPAIN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 19 AND 23, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Phillip Burton	11/19	11/23	Spain	35,850	300.00		1,467.00				1,767.00
Robert Garcia	11/19	11/23	Spain	35,850	300.00		1,467.00				1,767.00
Peter Abbruzzese	11/19	11/23	Spain	35,850	300.00		1,467.00				1,767.00
Committee total					900.00		4,401.00				5,301.001

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PHILLIP BURTON, Chairman, Dec. 17, 1982.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SPAIN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 19 and 23, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Phillip Burton	11/19	11/23	Spain	35,850	300.00		1,753.00				2,053.00
Robert Garcia	11/19	11/23	Spain	35,850	300.00		1,753.00				2,053.00
Peter Abbruzzese	11/19	11/23	Spain	35,850	300.00		1,753.00				2,053.00
Committee total					900.00		5,259.00				6,159.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Includes pro-rata share of travel by military aircraft.

PHILLIP BURTON, Chairman, Dec. 17, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, R. GERARD SALEMME, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 11 and 22, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
R. Gerard Salemme	11/11	11/19	China	1,343.25	675.00		1,438.34				2,113.34
	11/19	11/22	Hong Kong	2,050.20	309.00		1,282.00				1,591.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

R. GERARD SALEMME, Dec. 19, 1982.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

283. A letter from the Director, Federal Emergency Management Agency, transmitting a report that the agency made no real or personal property acquisitions of emergency supplies and equipment during the quarter ending December 31, 1982, pursuant to section 201(h) of the Federal Civil Defense Act of 1950; to the Committee on Armed Services.

284. A letter from the Deputy Assistant Secretary of Defense (Reserve Affairs), transmitting a report as of September 30, 1982, on selected Reserve recruiting and retention incentives pursuant to 10 U.S.C. 2134, and 37 U.S.C. 308b and 308c; to the Committee on Armed Services.

285. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for studies under the National Flood Insurance Act of 1968 for fiscal years 1984–85; to the Committee on Banking, Finance and Urban Affairs.

286. A letter from the Chairman, National Diabetes Advisory Board, transmitting notice of a resolution passed by the Board at its meeting of January 17, 1983, that it is inadvisable to create new institutes within the National Institutes of Health before the completion of the review by the Department of Health and Human Services; to the Committee on Energy and Commerce.

287. A letter from the Director, Minerals Management Service, Department of Interior, transmitting notice of the proposed refund of $135,161.89 in excess royalty payments to Chevron U.S.A. Inc. and Transco Exploration Co., pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953, as amended; to the Committee on Interior and Insular Affairs.

288. A letter from the Chief Judge, U.S. Claims Court, transmitting a copy of the court's judgment order in case No. 3-77 *Cecilia L. Thieman* v. *the United States;* to the Committee on the Judiciary.

289. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes; to the Committee on Science and Technology.

290. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to make improvements in the Maternal and Child Health Block Grant; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FROST: Committee on Rules. House Resolution 49. Resolution to establish the Select Committee on Narcotics Abuse and Control (Rept. No. 98-4). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALBOSTA (for himself, Mr. BROWN of Colorado, Mr. GINGRICH, Mr. FAZIO, Mr. RINALDO, Mr. FRANK, Mr. LANTOS, Mr. WON PAT, Mr. DWYER of New Jersey, Mr. YATRON, Mr. MCCOLLUM, Mr. DENNY SMITH, Mr. HERTEL of Michigan, Mr. TRAXLER, Mr. PRICE, Mr. LONG of Maryland, Mr. MCGRATH, Mr. FORD of Michigan, Mr. MARTIN of New York, Mr. OBERSTAR, Mr. LUNGREN, Mr. KILDEE, Mr. HUGHES, Mr. HORTON, Mr. LEVIN of Michigan, Mr. MCNULTY, Mr. JACOBS, Mr. WALGREN, Mr. FORSYTHE, Mr. KOGOVSEK, Mr. RITTER, Mr. LAFALCE, Mr. COELHO, Mr. VENTO, Mr. MOLLOHAN, Mr. FOGLIETTA, Mr. HATCHER, Mr. KRAMER, Mr. EDGAR, Mr. D'AMOURS, Mr. VOLKMER, Mr. CLAY, Mr. BEREUTER, Mr. HUBBARD, Mr. LEHMAN of Florida, Mr. FAUNTROY, Mr. ROTH, Mr. SMITH of Florida, Mr. MACK, Mr. BEVILL, Mr. GARCIA, Mr. MORRISON of Washington, Mrs. SCHNEIDER, Mr. RUSSO, Mr. DANIEL, Mr. MRAZEK, Mr. MAZZOLI, Mr. MCHUGH, Mr. CROCKETT, Mr. EDWARDS of Oklahoma, Mr. YOUNG of Alaska, and Mr. SENSENBRENNER):

H.R. 1276. A bill to amend title II of the Social Security Act to provide procedures for crediting the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund with the amounts of social security checks which have not been negotiated within 12 months; to the Committee on Ways and Means.

By Mr. ANDERSON:

H.R. 1277. A bill to amend title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 to provide social security coverage for Members of Congress; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 1278. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to provide for Federal participation in the costs of the old-age, survivors, and disability insurance program and the medicare program, with appropriate reductions in social security taxes to reflect such participation, and with a substantial increase in the amount of an individual's annual earnings which may be counted for benefit and tax purposes; to the Committee on Ways and Means.

By Mr. BEILENSON.

H.R. 1279. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require manufacturers of passenger cars to furnish information relating to the crashworthiness of the cars to prospective car buyers; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H.R. 1280. A bill to modify the insanity defense in the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. PHILIP M. CRANE:

H.R. 1281. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the disposal of surplus property to States and local governments for correctional facility use; to the Committee on Government Operations.

By Mr. DASCHLE:

H.R. 1282. A bill to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DOWDY of Mississippi:

H.R. 1283. A bill to authorize construction of a dam on the Pearl River in the vicinity of Schoccoe, Miss., for the purpose of providing flood control for Jackson, Columbia, Monticello, Georgetown, and points downstream from Jackson, Miss., in the Pearl River Basin; to the Committee on Public Works and Transportation.

By Mr. DORGAN:

H.R. 1284. A bill to amend the Internal Revenue Code of 1954 to eliminate the withholding of taxes from interest; to the Committee on Ways and Means.

By Mr. DOWNEY of New York (for himself, Mr. JACOBS, Mr. HOYER, Mr. HORTON, Mr. ADDABBO, Mr. SUNIA, Mr. JEFFORDS, Mr. LAGOMARSINO, Mr. BEVILL, Mr. SIMON, Mr. PICKLE, Mr. MCGRATH, Mr. LAFALCE, Mr. WEISS, Mr. LEVINE of California, Ms. FERRARO, Mr. MILLER of California, Mr. LEHMAN of Florida, Mr. SMITH of Florida, Mr. RATCHFORD, Mr. SEIBERLING, Mr. IRELAND, Mr. LELAND, Mr. SCHUMER, Mr. PRITCHARD, Mr. FEIGHAN, and Mr. CROCKETT):

H.R. 1285. A bill to amend the Internal Revenue Code of 1954 to remove certain limitations on charitable contributions of certain items; to the Committee on Ways and Means.

By Mr. EDGAR:

H.R. 1286. A bill to repeal the provision of the Military Selective Service Act prohibiting the furnishing of Federal financial assistance for postsecondary education to persons who have not complied with the registration requirement under that act; jointly, to the Committees on Armed Services and Education and Labor.

By Mr. EVANS of Iowa (for himself, Mr. ROBERTS, Mr. LEACH of Iowa, Mr. TAUKE, and Mrs. SMITH of Nebraska):

H.R. 1287. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of agricultural commodities received under a payment-in-kind program; to the Committee on Ways and Means.

By Mr. FAZIO (for himself, Mr. CHAPPIE, and Mr. MATSUI):

H.R. 1288. A bill to authorize the construction of a navigation project on the Sacramento River Deep Water Ship Channel; to the Committee on Public Works and Transportation.

By Mr. FRANK:

H.R. 1289. A bill to amend title 10, United States Code, to waive contributions to the military survivor benefit plan in the case of certain persons whose military retired pay is reduced because of an offsetting increase in compensation paid to such persons by the Veterans' Administration due to an increase in disability rating; to the Committee on Armed Services.

H.R. 1290. A bill to amend the Employee Retirement Income Security Act of 1974 to facilitate recovery, in civil actions brought by participants and beneficiaries under employee benefit plans, of benefits wrongfully denied them under such plans, and to provide for recovery by such participants and beneficiaries of a reasonable attorney's fee and costs of the action in all cases in which such denials are arbitrary or capricious; to the Committee on Education and Labor.

H.R. 1291. A bill to provide for the time in which to appeal to the Court of Appeals for the Federal Circuit from a determination of the U.S. International Trade Commission; to the Committee on the Judiciary.

H.R. 1292. A bill to amend the Internal Revenue Code of 1954 to increase the 2-year periods for rollover of gain on sale of principal residence to 3 years; to the Committee on Ways and Means.

H.R. 1293. A bill to amend the Internal Revenue Code of 1954 to provide that the discharge of home mortgage loans will not be treated as income; to the Committee on Ways and Means.

H.R. 1294. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income a certain portion of governmental pensions based on services not covered under the social security system; to the Committee on Ways and Means.

H.R. 1295. A bill to provide that section 402(a)(31) of the Social Security Act, which requires that certain income of a stepparent living with a dependent child be taken into account in determining such child's need under the aid to families with dependent children program, shall not apply in any case where the stepparent was already living with the child at the time such section became effective; to the Committee on Ways and Means.

By Mr. HARKIN (for himself, Mr. FOLEY, Mr. BEDELL, Mr. STENHOLM, Mr. DURBIN, Mr. ENGLISH, Mr. VOLKMER, Mr. DASCHLE, Mr. ANTHONY, Mr. HANCE, and Mr. SMITH of Iowa):

H.R. 1296. A bill to amend the Internal Revenue Code of 1954 to allow any taxpayer to elect to treat for income tax purposes any crop received under a Federal program for removing land from agricultural production as produced by the taxpayer, to allow any taxpayer to elect to defer income on any cancellation under such a program of any price support loan, and to provide that participation in such a program shall not disqualify the taxpayer for the special use valuation of farm real property under section 2032A of such Code; to the Committee on Ways and Means.

By Mr. LOTT:

H.R. 1297. A bill to amend title 28 of the United States Code to confer exclusive Federal appellate jurisdiction, with respect to State cases involving the death penalty, upon the U.S. Supreme Court; to the Committee on the Judiciary.

By Mr. MARRIOTT:

H.R. 1298. A bill to repeal sections 301 through 308 of the Tax Equity and Fiscal Responsibility Act of 1982, which impose withholding on interest and dividends; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. GUNDERSON, and Mr. EARLY):

H.R. 1299. A bill to expand and improve the domestic commodity distribution program; to the Committee on Agriculture.

H.R. 1300. A bill making an urgent appropriation for commodity distribution, and for other purposes; to the Committee on Appropriations.

By Mr. RITTER:

H.R. 1301. A bill to amend the Internal Revenue Code of 1954 to allow individuals an income tax credit for amounts paid or incurred for maintaining a household a member of which is a dependent of the taxpayer who has attained age 65; to the Committee on Ways and Means.

H.R. 1302. A bill to amend the Internal Revenue Code of 1954 to provide that in the case of individuals who have attained age 65 no estimated tax penalty shall be imposed

where the amount involved is under $500; to the Committee on Ways and Means.

By Mr. SCHULZE:

H.R. 1303. A bill to provide for the elective payment of benefits under title II of the Social Security Act in the form of social security savings bonds, and for other purposes; to the Committee on Ways and Means.

By Mr. SKELTON:

H.R. 1304. A bill to establish the Harry S Truman National Historic Site in the State of Missouri, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANDER JAGT:

H.R. 1305. A bill to amend the act of October 21, 1970, establishing the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1306. A bill to change the name of the Grand Traverse Bay Harbor in Elmwood Township, Leelanau County, Mich., to the "Greilickville Harbor"; to the Committee on Public Works and Transportation.

By Mr. WYDEN (for himself, Ms. MIKULSKI, Mr. HUGHES, Mr. WHITEHURST, Mrs. BOGGS, Mr. LIVINGSTON, Mr. LOWRY of Washington, and Mr. SUNIA):

H.R. 1307. A bill to require owners of vessels engaged in foreign commerce using U.S. ports to establish and maintain financial responsibility for claims arising from the furnishing of maritime services to those vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HALL of Ohio:

H.J. Res. 128. Joint resolution with respect to conventional arms transfer limitations; to the Committee on Foreign Affairs.

By Mr. SAWYER:

H.J. Res. 129. Joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to enact and repeal laws by voting on legislation in a national election; to the Committee on the Judiciary.

By Mr. BIAGGI (for himself, Mr. MURPHY, Mr. FRANK, Mr. ADDABBO, Mr. RATCHFORD, Mr. OTTINGER, Mr. LANTOS, Mr. ROE, Mr. DASCHLE, Mr. WEISS, Mr. JEFFORDS, Mr. OWENS, Mr. ROSE, Mr. GEKAS, Mr. HATCHER, Mr. SUNIA, Mr. MCGRATH, Mr. HERTEL of Michigan, Mr. FAZIO, Mr. HUGHES, Mr. FROST, Mrs. SCHROEDER, Mr. MCNULTY, Mr. CROCKETT, Mr. LEVINE of California, Ms. MIKULSKI, Mr. LAFALCE, Mr. GARCIA, Mr. VENTO, Mr. MCEWEN, Mr. LONG of Maryland, Mr. SOLARZ, Ms. FERRARO, Ms. KAPTUR, Mrs. HALL of Indiana, Mr. BEREUTER, Mr. MRAZEK, Mr. HYDE, Mr. MITCHELL, Mr. OBERSTAR, Mr. LEVIN of Michigan, and Mr. GINGRICH):

H. Con. Res. 45. Concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. LENT (for himself, Mr. BROYHILL, Mr. MADIGAN, and Mr. O'BRIEN):

H. Con. Res. 46. Concurrent resolution expressing the sense of the Congress that studies should be undertaken immediately into methods of adequately financing the railroad retirement and railroad unemployment systems; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. MONTGOMERY (for himself and Mr. HAMMERSCHMIDT):

H. Con. Res. 47. Concurrent resolution expressing the sense of the Congress with respect to the role of the Administrator of Veterans' Affairs; to the Committee on Veterans' Affairs.

MEMORIALS

Under clause 4 of rule XXII,

7. The SPEAKER presented a memorial of the Senate of the State of New Jersey, relative to the birthday of Martin Luther King, Jr., to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 1308. A bill for the relief of Yong-Suk Song; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 1309. A bill for the relief of Clive Francis Harrison; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 41: Mr. SMITH of Florida, Mrs. BOUQUARD, Mr. FUQUA, Mr. MCCOLLUM and Mr. IRELAND.

H.R. 42: Mr. CROCKETT, Mr. MINETA, Mr. GINGRICH, and Mr. GILMAN.

H.R. 46: Mr. SMITH of Florida and Mr. IRELAND.

H.R. 50: Mr. SMITH of Florida, Mr. FUQUA, and Mr. IRELAND.

H.R. 52: Mr. SMITH of Florida, Mr. FUQUA, Mr. MCCOLLUM, Mr. NELSON of Florida, and Mr. IRELAND.

H.R. 53: Mr. SMITH of Florida, Mr. FUQUA, Mr. MCCOLLUM, Mr. NELSON of Florida, Mr. IRELAND, and Mr. WYLIE.

H.R. 70: Mr. SMITH of Florida, Mr. FUQUA, Mr. MILLER of Ohio, Mr. MCCOLLUM, Mr. FRENZEL, Mr. BEVILL, Mr. NELSON of Florida, Mr. SMITH of New Jersey, Mr. IRELAND, Mr. HYDE, Mr. WYLIE, Mr. COELHO, and Mr. HANSEN of Utah.

H.R. 79: Mr. MRAZEK and Mr. FUQUA.

H.R. 116: Mr. VANDER JAGT and Mr. CLINGER.

H.R. 500: Mr. BONER of Tennessee, Mrs. BYRON, Mr. CLINGER, Mr. HANSEN of Utah, Mrs. HALL of Indiana, Mr. LONG of Louisiana, Mr. MCDONALD, Ms. MIKULSKI, Mr. SHUMWAY, Mr. STUDDS, Mr. WEBER, and Mr. WOLF.

H.R. 685: Mr. MARTIN of New York.

H.R. 835: Mr. MITCHELL, Mr. GUNDERSON, Mr. SAVAGE, Mr. CORRADA, Mrs. BOUQUARD, Mr. HORTON, Mr. WILSON, Mr. CLAY, Mr. HANCE, Mr. NELSON of Florida, Mr. CROCKETT, Mr. WEBER, Mr. SABO, and Mr. SHELBY.

H.R. 836: Mr. MITCHELL, Mr. GUNDERSON, Mr. SAVAGE, Mr. CORRADA, Mrs. BOUQUARD, Mr. HORTON, Mr. WILSON, Mr. CLAY, Mr. HANCE, Mr. NELSON of Florida, Mr. CROCKETT, Mr. WEBER, and Mrs. ROUKEMA.

H.R. 893: Mr. SENSENBRENNER.

H.R. 999: Mr. CLAY, Mrs. SNOWE, Mr. HUGHES, Mr. LELAND, Mr. STAGGERS, Mr. FORD of Tennessee, Mr. BEVILL, Mr. SPENCE, Mrs. BOGGS, Mr. DWYER of New Jersey, Mr. WILSON, Ms. MIKULSKI, Mr. BORSKI, Mr. LEHMAN of California, Mr. WISE, Mr. MINETA, Mr. BETHUNE, Mr. DAVIS, and Mr. STRATTON.

H.R. 1015: Mr. ROE, Mr. DONNELLY, Mr. SMITH of New Jersey, Mr. FRANK, Mr. WHEAT, Mr. WON PAT, Mr. OBERSTAR, and Mr. MARKEY.

H.R. 1016: Mr. ROE, Mr. DONNELLY, Mr. SMITH of New Jersey, Mr. FRANK, Mr. WON PAT, Mr. OBERSTAR, and Mr. MARKEY.

H.R. 1078: Mr. KOGOVSEK, Mr. BERMAN, Mrs. SCHNEIDER, Mr. MAVROULES, and Mr. ROYBAL.

H.R. 1142: Mr. CORCORAN.

H.R. 1176: Mr. SCHULZE, Mr. FOWLER, Mr. HYDE, Mr. BEVILL, Mr. VOLKMER, Mr. BONER of Tennessee, Mr. KOGOVSEK, Mr. HAMMERSCHMIDT, Mr. MOLLOHAN, Mr. WOLPE, Mr. QUILLEN, Mr. D'AMOURS, Mr. SMITH of Florida, Mr. FRANK, Mr. MARKEY, Mr. EMERSON, Mrs. BOUQUARD, Mr. WEAVER, Mrs. SNOWE, Mr. WILSON, Mr. FRANKLIN, Mr. HALL of Ohio, Mr. GEJDENSON, Mr. FAZIO, Mr. CONTE, Ms. KAPTUR, Mr. OWENS, Mr. FORD of Michigan, Mr. LOWRY of Washington, Mr. TAYLOR, Mr. SABO, Mr. FROST, Mr. GARCIA, Mr. YOUNG of Missouri, Mr. YOUNG of Alaska, Mr. SENSENBRENNER, Mr. PATMAN, Mr. BARNES, Mr. YATRON, Mr. COLEMAN of Missouri, Mr. FOGLIETTA, Mr. HATCHER, Mr. TALLON, Mr. RATCHFORD, Mr. BLILEY, Mr. OBERSTAR, Mr. SCHUMER, Mr. WILLIAMS of Montana, Mr. HARRISON, Mr. WHEAT, Mr. WHITEHURST, Mrs. COLLINS, Mrs. MARTIN of Illinois, Mr. SAWYER, Mr. TRAXLER, Mr. BROWN of California, Mr. PATTERSON, Mr. WATKINS, Mr. MITCHELL, Mr. CROCKETT, Mr. SLATTERY, Mr. DOWDY of Mississippi, Mr. WYDEN, Mr. ALBOSTA, Mr. ROBERT F. SMITH, Mr. SKELTON, Mr. PASHAYAN, Mr. MORRISON of Connecticut, Mr. ST GERMAIN, Mr. EDWARDS of Alabama.

H.R. 1181: Mr. SMITH of Florida, Mr. FOGLIETTA, and Mr. GILMAN.

H.R. 1234: Mr. FORD of Michigan, Mr. ECKART, Mr. ALEXANDER, Mr. KILDEE, Mr. TRAXLER, Mr. ASPIN, and Ms. KAPTUR.

H.J. Res. 22: Mr. YATRON, Mr. WYLIE, Mrs. BOUQUARD, Mr. SOLARZ, Mr. RITTER, Mr. WILSON, Mr. SPRATT, Mr. EARLY, Mr. WHEAT, Mrs. BOXER, Mr. LEVINE of California, Mr. HANSEN of Idaho, Mr. WISE, Mr. MOODY, Mr. ANDREWS of Texas, Mr. WALKER, Mr. MCCURDY, Mr. FOLEY, Mr. MCEWEN, Mr. CROCKETT, Mr. MOLLOHAN, Mr. MARTINEZ, and Mr. KEMP.

H.J. Res. 86: Mr. BURTON of California.

H.J. Res. 95: Mr. WINN, Mr. MOLINARI, Mr. MOORHEAD, Mr. MORRISON of Washington, Mr. HARRISON, Mr. NATCHER, Mr. MCNULTY, and Mr. OBERSTAR.

PETITIONS, ETC.

Under clause 1 of rule XXII,

21. The SPEAKER presented a petition of GCUS, Improved Order of Red Men, Waco, Tex., relative to prayer in public schools; which was referred to the Committee on the Judiciary.